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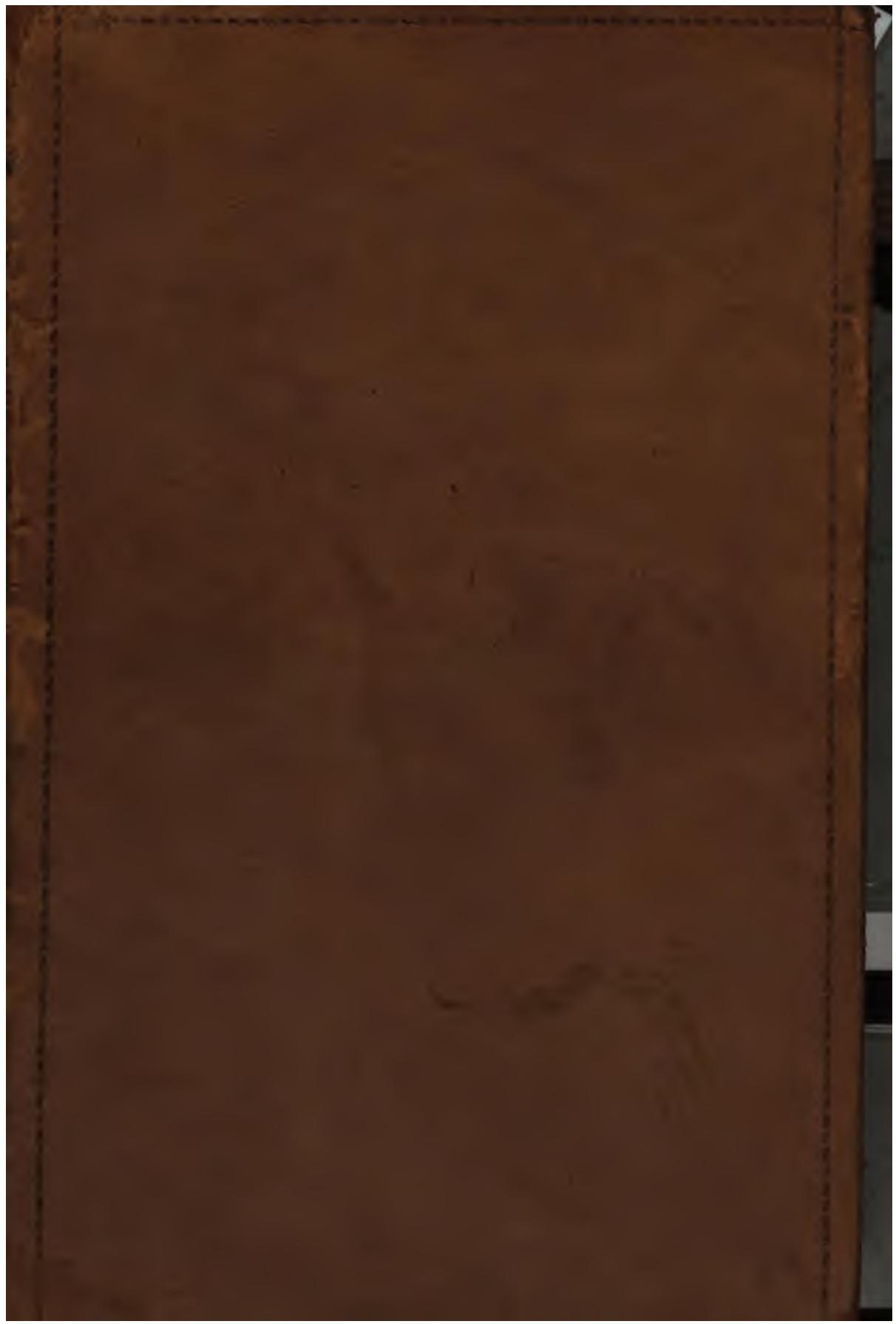
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TO THE

MISCELLANEOUS DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

SECOND SESSION OF THE FORTY-SIXTH CONGRESS,

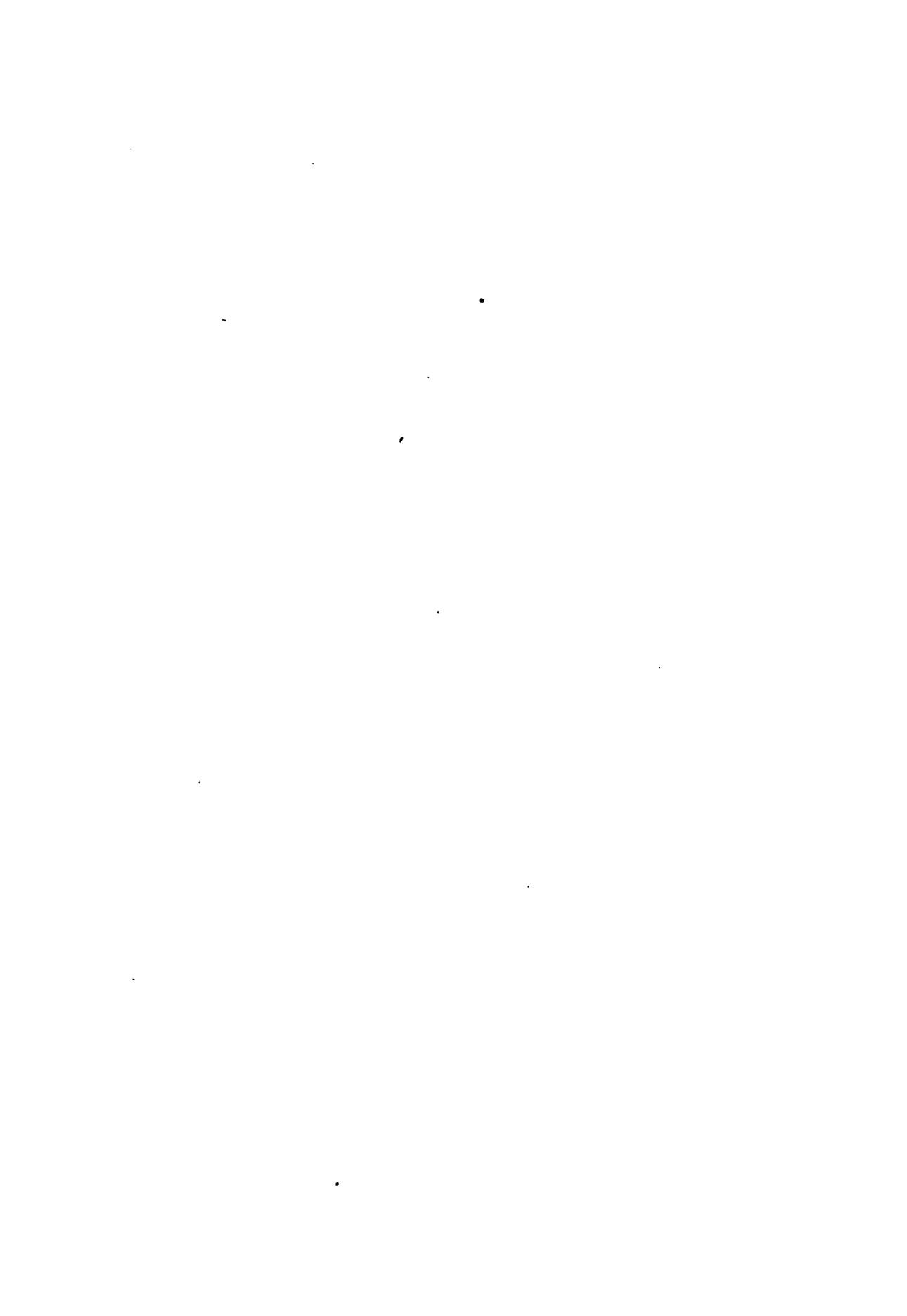
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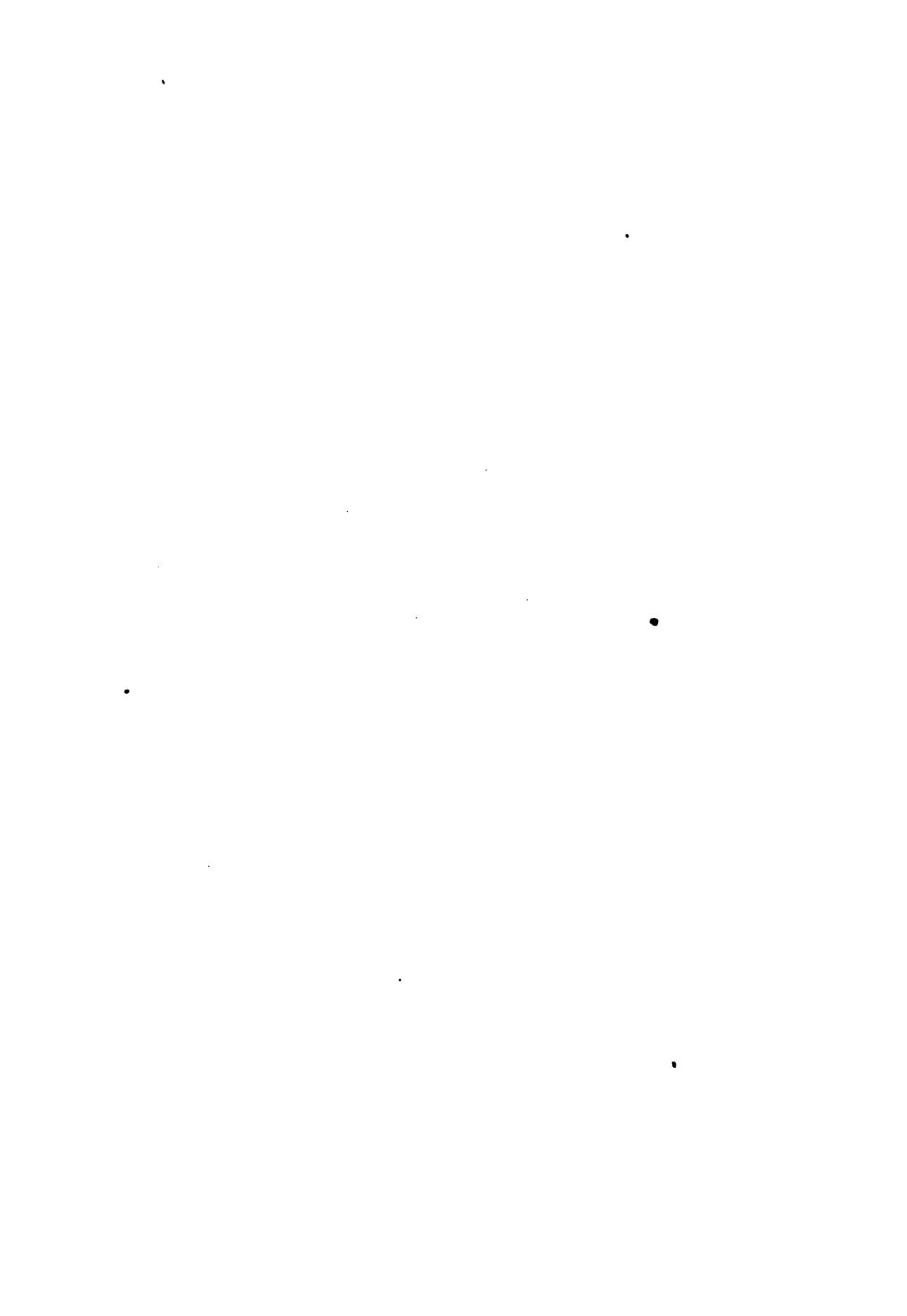
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E. W. M. MACKEY vs. M. P. O'CONNOR.

P A P E R S

IN THE CASE OF

MACKEY vs. O'CONNOR,

SECOND CONGRESSIONAL DISTRICT OF SOUTH CAROLINA.

MAY 7, 1880.—Ordered to be printed.

TESTIMONY IN BEHALF OF CONTESTEE.

TESTIMONY TAKEN IN CHARLESTON COUNTY.

STATE OF SOUTH CAROLINA,
Richland County:

To Hon. E. W. M. MACKEY,
Charleston, S. C.:

You will please take notice that I will examine Hon. R. M. Sims, who resides in Richland County, relative to and touching the matters and things set forth in my answer to your notice to me that you would contest my right to a seat in the Congress of the United States, to which I was elected at the general election held November 5, 1878, for the second Congressional district of the State of South Carolina, before F. A. McMaster, notary public, and for the State of South Carolina, at No. _____ street, city of Columbia, and State aforesaid, on the 2d day of October, 1879, to be adjourned from day to day until the examination of the witness hereinbefore stated shall be completed, between the hours of 10 a. m. and 10 p. m., or so much thereof as may be necessary for the examination of said witness.

M. P. O'CONNOR.

SEPTEMBER 25, 1879.

Service accepted.

E. W. M. MACKEY.

STATE OF SOUTH CAROLINA,
Richland County :

To R. M. Sims, secretary of state of South Carolina, greeting:

You are hereby summoned to appear before me at Columbia, in the State and county aforesaid, on the 3d day of October, and the next succeeding days of said month, A. D. 1879, between the hours of 10 a. m. and 10 p. m. of said day or days, or so much thereof as may be necessary, by adjourning from day to day, to be then and there examined under oath by me respecting the contest by E. M. M. Mackey of the right of M. P. O'Connor to a seat in the Congress of the United States. You will not fail herein, under the penalty of twenty dollars.

Given under my hand and official seal this 1st day of October, A. D. 1879.

[SEAL.]

F. W. McMASTER,
Notary Public.

STATE OF SOUTH CAROLINA:

In matter of M. P. O'Connor and E. W. M. Mackey as to contested election for member of Congress, second Congressional district.

ROBERT M. SIMS, a witness for contestee, residing at Columbia, South Carolina, being sworn to tell the truth, the whole truth, and nothing but the truth to the interrogatories propounded to him, deposes and says in answer to the—

1st interrogatory. Give your name, residence, the offices you hold, and what was done by the State board of canvassers as to the election of officers elected at the general State election in November, 1878.

Witness answers: My name is Robert M. Sims; I reside near the city of Columbia; I am secretary of the State of South Carolina and a member of the board of State canvassers, and by law am required to call the said board together on or before the 10 of November after each general election. On the 9th of November, 1879, the board of canvassers, in pursuance of section 21, ch. 8, of the General Statutes, met in the office of the secretary of state, and continued in session with open doors, for any parties wishing to be present, from day to day, until the 20th day of November, on which day the board adjourned *sine die*, at 10 minutes before 12 o'clock midnight, at which time the result of the election was declared and the signatures of the members of the board of canvassers affixed to the declaration.

Interrogatory No. 2. Did you or any member of the State board of canvassers publish in any paper of the State the result of the election?

Witness says in answer to 2d int'r'y: The returns from the counties of the votes for the different counties were in some days before the adjournment of the board, canvassed and tabulated, and the results of the votes cast known two or three days before the adjournment, but the board remained in session for these two or three days to give contestants time to protest; then, by law, the board was compelled to adjourn. On the 27th of November, 1878, I sent a copy of the general result of the election to the Daily Register, a daily paper published in the city of Columbia (in compliance with the law), for publication, and it was published in the said paper Nov. 28th, 1878. From the said paper I make the following extract:

Congressmen for 46th Congress

First district.....	J. S. Richardson.
Second district.....	M. P. O'Connor.
Third district.....	'D. Wyatt Aiken.
Fourth district.....	John H. Evans.
Fifth district.....	George D. Tilman.

R. M. SIMS.

Sword to and subscribed before me this 3d day of October, A. D. 1879.

[SEAL.]

F. W. McMASTER,
Not. Public.

2d Congressional district.

County.	E. W. M. Mackey.	M. P. O'Connor.	Scattering.	Grand total.
Charleston.....	9,090	14,245	10
Orangeburg.....	2,626	4,142	1
Clarendon.....	1,466	2,181
Total	13,182	20,568	11	33,761

STATE OF SOUTH CAROLINA,
Office of Sec. of State:

I, R. M. Sims, sec. of state, do hereby certify that the above is a correct statement by counties of the votes cast for member of Congress for the 2d Congressional district of South Carolina, at election held Nov. 6th, A. D. 1878.

In testimonay whereof I have caused the great seal of the State to be affixed this 31st day of October, A. D. 1879, and in the 104th year of American Independence.

[SEAL.]

R. M. SIMS,
Sec. State.

In the matter of the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

SATURDAY, Nov'r 15th, 1879.

Court met pursuant to adjournment, at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, South Carolina, before which court was present M. P. O'Connor, contestee, and his counsel, Geo. R. Walker.

The following witness was examined, viz: Charles E. O'Connor.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

Deposition of Charles E. O'Connor.

In the matter of the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

THE STATE OF SOUTH CAROLINA,
Charleston County:

Personally appeared CHARLES E. O'CONNOR (white), a witness of

legal age, produced by contestee, who deposes as follows in answer to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am 21 years of age; my residence, Charleston; occupation, clerk in M. P. O'Connor's office.

Q. Do you know on what day Mr. E. W. M. Mackey served me with his notice of contest, and by whom it was served?—A. I remember the facts perfectly, as Mr. O'Connor, at the time he was served, asked me to take note of the date of service. The notice was served by Mr. Warren R. Marshall on Hon. M. P. O'Connor, at his office, 30 Broad street, Charleston, South Carolina, on the 23d day of December, 1878.

CHARLES E. O'CONNOR.

Sworn to before me this 15th day of November, A. D. 1879.

[SEAL.] JACOB WILLIMAN,
Trial Justice & N. P.

STATE OF SOUTH CAROLINA,
Charleston County:

To Hon. E. W. M. MACKEY,
Charleston, S. C.:

You will please take notice that I will examine the following named witnesses, all of whom reside in Charleston County, relative to and touching the matters and things set forth in my answer to your notice to me that you would contest my right to a seat in the Congress of the United States, to which I was elected at the general election held Nov. 5, 1878, for the second Congressional district of the State of South Carolina, before Jacob Williman, notary public in and for the State of South Carolina, at No. 30 Broad street, city of Charleston, county and State aforesaid, on the 23d day of September, 1879, to be adjourned from day to day until the examination of the witnesses hereinafter named shall be completed, between the hours of 10 a. m. and 10 p. m., or so much thereof as may be necessary for the examination of such witnesses, to wit: —— Rivers, —— Taylor, S. P. Bennett, —— Conklin, Major Leland, R. T. Morrison, jr., Chas. Macbeth, Jacob Kerrison, —— Colcock, —— Harleston, Wm. E. Tripp, J. E. La Roche, —— Clement, W. J. Smyser, C. W. Seignons, T. F. Fosberry, C. Carroll White, C. W. Montgomery, T. Barker Jones, John Mitchell (col'd), S. R. Smith, John H. Devereux, John Barry, Michael Hogan, Andrew Moreland, Geo. D. Bryan, S. J. L. Matthews, Jas. C. La Coste, E. Lucas, jr., Chas. F. Steinmeyer, J. J. Williams, S. P. Smith, W. D. Palmer, Jos. W. Barnwell, Col. Alf. Rhett, Capt. W. W. Sale, Tom Lyons, Tom Miller, Richard Long, Chas. Aimar, Edw'd Perry, Jas. Zimmerman, Jos. Parker, Wm. E. Vincent, C. R. Cassidy, —— Boylston, Rufus Barkley, Sergeant Ham, Sergeant Mollenbauer, Lieut. Hodge, Chas. Simmons, Joseph Legare, Robert Stuart, William Eadey, Brantley Scott, Israel Squires, Samuel Holmes, W. Doorell, David Wigg, W. Johnston, Blake L. White, C. B. Nell, Thomas P. Holmes, Sam'l Dawson, S. Deveaux, Edward Ferett, Jos. Owens, James Luby, Wm. H. Hughes, W. C. Cadet, Alex Cadet, J. Ladson, A. Bolles, J. McDugle, J. Brown, W. Williams, D. Hamilton, J. Potter, J. Spencer, T. Smith, J. McGinnis, D. Wright, B. Nisbet, H. Hardy, R. Richardson, W. Wright, W. Gaillard, Wm. Pinckney, Dan'l Caldwell, Tony Drayton, Rich'd Singleton, C. Bennett, Jno. Bell, Ben. Simmons, Stephen Hayne, Robt. Morrison, sr.,

Chas. Bicaise, jr., R. M. Smith, Geo. M. Mears, Robt. Nelson, Oswald Freeman (Mt. P.), Wm. Hale.

M. P. O'CONNOR.

Sep. 20, 1879.

I accept service.

E. W. M. MACKEY.

20 Sept., 1879.

THE STATE OF SOUTH CAROLINA,
County of Charleston:

To T. Barker Jones, Michael Hogan, F. J. Heidt, C. C. White, C. A. Aimar, R. M. Smith, John Barry, S. J. L. Matthews, James C. Lacoste, C. F. Steinmeyer, T. F. Fosberry, J. A. Mitchell, John Commins, Jno. H. Devereux, T. L. Quackenbush, C. E. D. Fell, Geo. L. Buist, Stephen Hayne, Walter Webb, Patrick Morau, E. T. Legaré, Ed. Eiserhardt, J. C. R. Taylor, Edward Perry, T. W. Carwile, Chas. H. Simmons, Moses D. Brown, M. N. Waring, J. M. Heape, F. M. Drose, J. C. Fultz, Philip Weathers, Chas. J. Macbeth, Geo. E. Pritchett, Thomas M. Holmes, R. Wilson Ramsay, R. T. Morrison, jr., John T. Parker, C. E. O'Connor, greeting:

You, and each of you, are hereby summoned to appear before me, at No. 30 Broad street, in the city of Charleston, State and county aforesaid, on the 23rd, 24th, 25th, 26th, 27th, 29th, and 30th of September, and 1st, 2nd, 3rd, 4th, 7th, 8th, 13th, 15th, 16th, 27th, and 29th of October, and the next succeeding days of the month of November, until the 25th of that month, 1879, between the hours of 10 o'clock, a. m., and 10 o'clock, p. m., of said days of said months, or so much thereof as may be necessary, by adjourning from day to day, to be then and there examined under oath by me respecting the contest by E. W. M. Mackey of the right of M. P. O'Connor to a seat in the Congress of the United States. You will not fail herein under the penalty of twenty dollars.

Given under my hand and seal this 20th September, A. D. 1879.

[SEAL.]

JACOB WILLIMAN,

Trial Justice & N. P.

In the matter of the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

TUESDAY, Sept. 23rd, 1879.

Court met pursuant to notice from contestee to contestant, at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, South Carolina, before which court were present M. P. O'Connor, contestee, and Geo. R. Walker, his counsel, and E. W. M. Mackey, contestant; and the following witnesses were examined, viz: Michael Hogan, F. J. Heidt, and T. Barker Jones.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & Not. Pub.

Deposition of T. Barker Jones.

CHARLESTON, September 23, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County:

T. BARKER JONES (*white*), a witness of legal age, produced by con-

testee upon due notice to the contestant, deposes as follows in reference to questions propounded by contestee :

Question. Where do you reside ?—Answer. Charleston, South Carolina.

Q. What is your occupation ?—A. Merchant.

Q. With what political party have you affiliated ?—A. Always with the Democratic party.

Q. Did you hold any position in reference to the election of 1878 ?—A. Yes, sir ; commissioner of election.

Q. Appointed by whom ?—A. Gov. Hampton.

Q. You remember the date of your appointment ?—A. Some sixty days prior to the election.

Q. Who were your colleagues on the board ?—A. Capt. C. Carroll White and Col. C. W. Montgomery.

Q. Were they appointed at the same time you were by Gov. Hampton ?—A. They were appointed at the same time.

Q. What were their reputed politics ?—A. The politics of Capt. C. Carroll White was that of a Democrat ; of Col. Montgomery was that of a Republican, or had formerly been associated with the Republican party.

Q. Did you enter upon the discharge of your duties soon after your appointment ?—A. Very soon after that.

Q. When did you appoint the managers of election ?—A. As far as my recollection serves me, about eight or ten days before the election.

Q. Were these managers, before appointed, submitted to the board and formal action taken upon their appointment ?—A. The names of the managers were submitted to the board of commissioners and formal action taken upon their names.

Q. When did you deliver to the various boards of managers their printed instructions, poll-list, and their machinery (the boxes) to carry on the election ?—A. About five days prior to the election.

Q. Will you go on and state any particulars that you deem pertinent to the issues in this case, in regard to your duties as commissioner of election ?—A. I would prefer to be interrogated, and then I can answer better the questions put to me. It is a long time since I have served and my memory would be refreshed.

Q. Was any formal complaint made to you by the managers of election ?—A. None at all.

Q. Were the names of the managers published in the daily papers ?—A. If my recollection serves me right, I think they were.

Q. All were formally notified ?—A. Yes, sir.

Q. Did any decline, and you have to supply others in their stead ?—A. I think, in some instances, some refused to serve, and others were put in their places.

Q. Do you recollect how many boards of managers you appointed ; can you tell how many persons ?—A. I think there are thirty-two precincts in the county, and consequently there must have been thirty-two boards of managers.

Q. Were you present in the city of Charleston on the day of election ?—A. Yes, sir ; I was.

Q. Where were your headquarters ?—A. At the city hall.

Q. Was the board of commissioners in session at the city hall all day ?—A. They were in session all day.

Q. What time did you assemble ; was it at six o'clock in the morning ?—A. We assembled very early in the morning, about five o'clock, if my recollection serves me right.

Q. Was there a large crowd of persons assembled at the polling pre-

cincts before the opening of the polls at six o'clock?—A. There was a large crowd.

Q. You passed large crowds of them on your way to the city hall? What class of persons did you see around the polls before the opening of the polls?—A. There was a very large number of colored voters.

Q. Was there a large number around the city hall and ward two at the court house?—A. Yes, sir; quite a large crowd at ward one at the city hall, and ward two at the court house.

Q. The poll of ward one is directly opposite ward two poll?—A. Yes, sir; one held at the city hall and one at the court house.

Q. Did anything take place that morning before the opening of the polls that was called to the official attention of the commissioners?—A. I don't think so.

Q. Did Mr. Mackey make any demand or complaint to the board of commissioners before the opening of the polls in the morning?—A. Not that I am aware of.

Q. Was any formal complaint made to you by the Republican party during that day or any part of that day?—A. The commissioners of election received no such official protest or communication.

Q. Did you visit, in your capacity as commissioner of election, any of the polling precincts that day?—A. I visited every one.

Q. Did any one accompany you?—A. Yes, sir; Col. Montgomery, the Republican commissioner.

Q. In your walking around to the various polling precincts on the day of election, was there any official or party complaint made to you in regard to the conduct of the election?—A. I don't think there was.

Q. Was there any disturbance in the city during the day of election, or was the election conducted peaceably and orderly?—A. The election was conducted in a remarkably quiet and orderly manner.

Q. Did any of the colored people complain to you that any of their votes had been refused or rejected?—A. Not that I am aware of.

Q. Did any of the Republican candidates complain to you that any of the votes were being capriciously refused?—A. None.

Q. Are you positive on that point of no complaint being made to you about their being refused the right to vote?—A. I think there were none.

Q. Did the United States marshal complain to you that there were irregularities occurring on that day?—A. I recollect the United States marshal coming in and lodging some complaint, but I don't recollect what it was.

Q. There was no demand made on you for the intervention of your authority as commissioner?—A. None at all.

Q. Where did you vote yourself on the day of election; what poll?—A. I believe I voted at ward one, the headquarters of the commissioners.

Q. Did you notice people voting at that poll?—A. Oh, yes.

Q. Colored and white people?—A. Both.

Q. The majority were colored?—A. At ward one the majority were colored.

Q. Did you see the voters coming up to the polls with their ballots exposed or did they carry them concealed?—A. They were in line with their ballots, ready to deposit them.

Q. Did the parties carry them so as to be visible to anybody or invisible?—A. They carried them so as to be invisible.

Q. Could you tell how any person voted, white or colored, that day? Could you see the tickets in their hands so as to tell what ticket they

voted!—A. It would be a hard matter to tell what ticket they voted; in some instances I saw parties with tickets in their hands open.

Q. Did you observe the tables on which the various ballots were exposed on the day of election?—A. I did not.

Q. Do you know how many Republican tickets were extant or voted that day—I mean the character of the tickets and character of paper?—A. I did not know at that time, but the returns were brought in, and the commissioners of election, in canvassing the votes and in removing the tickets from the boxes, found tickets of different kinds.

Q. You did not notice them on day of election?—A. I did not.

Q. Were the polls opened promptly at six o'clock?—A. Promptly at six o'clock.

Q. Did the polls open before that, to your knowledge?—A. To my knowledge all the polls in the city were opened at six o'clock.

Q. You don't know that of your own knowledge, because you were not at all of the polls?—A. It was impossible for me to be at all of them.

Q. As commissioner it was so reported to you?—A. As commissioner it was so reported to me, that all the polls were opened at six o'clock.

Q. Was any complaint made to you from any of the wards or precincts that the polls were opened before six o'clock or after six o'clock?—A. We received no such complaints.

Q. Did you receive any such official or personal complaints prior to the returns coming in to you from the managers and the canvass by the commissioners?—A. I did not.

Q. Did you, as the chairman of the board of managers, receive any complaint as to the conduct of the election up to the time of the count?—A. Not that I am aware of.

Q. Did you keep minutes of your proceedings?—A. The secretary kept the minutes of the proceedings.

Q. If any complaint had been made to the board of commissioners you would have heard of it?—A. Very apt to.

Q. I think you stated in the beginning you were chairman of the board of commissioners?—A. Yes, sir; chairman of the board.

Q. Was any protest filed with the board?—A. None whatever.

Q. Did Mr. Mackey file any protest with your board?—A. None that I am aware of.

Q. Was there an unusually large number of colored people in the city that day?—A. Unusually so.

Q. Did it strike you, as an old citizen of Charleston, that they were new faces—a great body of them, not all?—A. It struck me so; and when I saw this large crowd of colored people that day, I thought they came from the adjoining county.

Q. It was legal for a qualified voter to cast his vote at any of the precincts in the county?—A. That was my understanding of the election law.

Q. Do you not know that a number of qualified voters voted out of the wards in which they resided?—A. I am inclined to believe that many voted out of their wards from what I saw.

Q. Was not the approach to the polls wards one and two constantly blocked up with colored people?—A. Very much so.

Q. Do you or do you not know of very many citizens going to other polls, where the access was easier, to deposit their ballots?—A. In many instances.

Q. What time did the returns come in?—A. They came in quite promptly; some the day after, some immediately; some from the county

were delayed. I presume the returns were all in at the end of the week after the election.

Q. In whose custody were the boxes placed after they came in after the election?—A. In the custody of the commissioners. There was a guard over them. The commissioners guarded the boxes.

Q. Was there not a Republican guard there?—A. There were several deputies appointed by the United States marshal.

Q. Did those deputies assist in keeping watch over the boxes?—A. They did.

Q. Were the boxes locked and sealed?—A. All locked and sealed.

Q. And they were not touched from the time they came into your possession until you commenced the canvass?—A. Until we commenced the canvass.

Q. When did you begin the canvass?—A. In the proper time, as required by law. We were governed by the statute on the subject; a copy of the election laws were in our possession.

Q. Were there any Republican or Republicans present at the canvass?—A. I believe not, excepting Col. Montgomery, the Republican commissioner.

Q. Was not Mr. Elise there?—A. No, sir; they were not allowed in there during the canvass.

Q. Where did you canvass the votes?—A. At the city hall.

Q. What class of Republican tickets did you find in the box; I mean the character of the paper?—A. There were four different kinds.

Q. How many different kinds of Democratic tickets, and how many different Republican tickets?—A. It is hard for me to say, as I don't recollect; as far as my recollection serves me, there were several of each.

Q. Can you tell me when you completed the canvass of the vote?—A. In the proper time allowed by law.

Q. You forwarded your returns to the secretary of state?—A. Yes, sir.

Q. According to the law?—A. Yes, sir.

Q. Up to the time of the lodgement with the secretary of state, was there any protest lodged with the board?—A. None at all.

Q. Did your board have a clerk?—A. We did.

Q. Who was he?—A. Mr. Johnson.

Q. What was his occupation?—A. He was a lawyer.

Q. When you sent out the boxes and delivered them to various boards of managers, did they contain all the blanks required by law to be delivered to these managers?—A. They did, every one of them.

Q. Who furnished the blanks and paid all the expenses incurred by the board of commissioners in conducting the election?—A. Different parties. In the first place, the blanks pertaining to the election were furnished by secretary of state; the boxes were furnished by the county, and the expenses never have been paid.

Q. You were furnished with no funds by the State authorities for the purpose of conducting the election?—A. Not a dime.

Q. Were the managers of elections generally appointed by you very intelligent persons?—A. Very intelligent.

Q. The election laws under which you were acting, and by which you were governed, as commissioners of elections, do you know by what legislature those laws were passed?—A. I think I previously testified that the law as found was made by the Republicans during their reign in the State.

Q. Do you or do you not know of many colored men voting the Democratic ticket in the election of 1878?—A. No question about it.

Q. Did many of them previous to that time vote the Democratic ticket?—A. They did not.

Q. You have no doubt of many voting that ticket on the day of the election?—A. I have no doubt.

Q. You have been an active participant in politics in South Carolina?—A. I have been in politics since 1875.

Q. You have taken part in politics since 1875?—A. Took a very prominent part in that municipal election.

Q. Do you not, from your own experience, know that prior to the election of 1878 that there had been a great deal of repeating carried on by the Republicans, causing the colored people to vote often and using strange people?—A. In every election it was currently reported that repeating was carried on by the Republican party by means of imported voters from a distant county.

Q. Did it not require great discrimination on the part of the boards of managers to discover these voters?—A. What election do you mean?

Q. Take the election of 1876; was there not great discrimination required to be exercised by the managers in order to prevent strange or imported voters voting in the election?—A. You must recollect that the Republican party had great control over the commissioners.

Q. It was not at all necessary to exercise any great diligence, for voters could, by law, vote at any voting precinct in the county?—A. If you go back to 1876, there was no great diligence required, for the boards of managers were principally Republicans, and they winked at the repeating.

Q. Do you know of the colored people being hindered from voting the Democratic ticket by intimidation, threats, or otherwise?—A. I have known of their being hindered from voting the Democratic ticket by ostracism being practiced by their fellows in their churches, fire companies, and the like.

Q. Do you not know of many of them being under this fear or dread during the election of 1878?—A. I know of none personally.

Q. From your experience, has not the system of party management on the part of the Republican party tended to create trepidation on the part of the colored people, if they wished to become Democrats and vote the Democratic ticket?—A. It is no question about that; it is a well-recognized fact.

Q. Could you describe what kind of intimidation or ostracism was exercised upon the colored people by joining the Democratic party or voting the Democratic ticket?—A. The fear of being intimidated or being mobbed by their fellows of the Republican party. There appeared to be a dread amongst them of their political masters to vote any other ticket.

Q. Do you or not know of many of them in their determination to vote the Democratic ticket doing so secretly, so as to avoid ostracism from their fellows?—A. I believe many voted the Democratic ticket in as secret a manner as possible.

Cross-examination by E. W. M. MACKEY, contestant:

Q. At the time of your appointment as a commissioner of elections were you not a member of the Democratic executive committee for Charleston County?—A. I was.

Q. Was not Capt. White, one of the other commissioners, also a member of that committee?—A. I believe he was.

Q. What were the politics of Col. Montgomery at the time of his appointment?—A. At the time of his appointment his politics were known to be Republican.

Q. Was not the appointment of yourself, Capt. White, and Col. Montgomery made upon the recommendation of the Democratic executive committee of this county?—A. I believe they were.

Q. Had Col. Montgomery been recommended for appointment by any Republicans?—A. The Republicans recommended no one.

Q. I mean for commissioner?—A. They recommended no one for commissioners.

Q. Are you certain of that?—A. If my recollection serves me right.

Q. How do you know they recommended no one?—A. That's my recollection.

Q. Were you in a position to know who were recommended and who were not?—A. To some extent.

Q. You say you are positive that no one was recommended by the Republicans of this county for commissioner of elections?—A. I don't say positively; I say as far as my recollection goes.

Q. Don't you recollect that Mr. Warren R. Marshall was recommended to Gov. Hampton for appointment?—A. I do recollect the name of Warren R. Marshall being suggested.

Q. Did you see any of the recommendations sent to the governor?—A. I did not.

Q. It is impossible for you, then, to say who were recommended?—A. The fact of being appointed; we must have been recommended, or we never would have been appointed.

Q. How do you know that no Republican was recommended to the governor for appointment as commissioner?—A. Because I was not in a position to know who were recommended, as far as the Republicans were concerned. I had no occasion to know that matter.

Q. Do you know what ticket Colonel Montgomery voted at the last election?—A. I do not.

Q. Do you know whether or not he voted with the Republican party at the last election?—A. I do not.

Q. Do you not know that he voted the Democratic ticket in 1876?—A. He may have done so, like a good many other Republicans.

Q. Do you consider a man that votes a Democratic ticket a Republican?—A. Why, certainly.

Q. Of the managers of elections appointed for Charleston County, were any of them Republicans?—A. I don't think any of them were Republicans.

Q. Did Colonel Montgomery ask for the appointment of any Republicans as managers?—A. Colonel Montgomery's actions were always to put all Democrats on, and voted so in the action of the board of commissioners.

Q. If I understand you aright, Colonel Montgomery favored the appointment of none but Democrats as managers?—A. Colonel Montgomery voted with the other commissioners to appoint none but Democrats as managers of elections.

Q. Were the names of any Republicans submitted to the board for the appointment of managers?—A. There was a list submitted.

Q. What was the action of the board in regard to that list?—A. The unanimous action of the board was to appoint none but Democrats.

Q. Were not the parties who were appointed as managers recommended by the Democratic executive committee of this county?—A. In some instances they were.

Q. Did not the Democratic executive committee of this county submit three names for appointment as managers at each poll?—A. The

Democratic executive committee submitted a list of names to be appointed as managers of elections.

Q. Of that list how many did the commissioners refuse to appoint ?—A. They appointed more or less. I don't recollect the number now.

Q. Can you form any idea about how many they refused to appoint ?—A. I cannot say now, it has been so long.

Q. Were they not all appointed, with a very few exceptions ?—A. I don't recollect the exceptions that were made at the time; there were some, the extent of which I cannot recollect just now.

Q. By whose request were the names of the managers handed in for appointment ?—A. Think I testified previously by the chairman.

Q. Did you appoint any Republican managers ?—A. I did not.

Q. You have testified that no formal complaint was made to you during the election in regard to the manner in which it was being conducted. Do you know whether or not any complaint was made to any of the other commissioners ?—A. I do not.

Q. Was nothing said to you by any person about the manner in which the votes of the colored men were being rejected ?—A. I believe Marshal Wallace came in and made some objection, but what it was I cannot exactly recollect now.

Q. Did the board take any action ?—A. They were not in session at the time.

Q. Did you communicate it to the board ?—A. I did.

Q. What action did they take ?—A. We went around to the polls and corrected it as near as we could.

Q. Did they instruct the managers that a person was entitled to vote anywhere in the county, provided he had not voted at any other precinct ?—A. They did.

Q. Did Capt. White bring to the attention of the board the fact that Mr. Mackey had protested to him against the manner in which the votes of the colored men were being rejected ?—A. The matter was not reported, if I recollect rightly, to the board.

Q. Capt. White was one of the commissioners ?—A. Capt. White was one of the commissioners.

Q. You have testified that you were a member of the Democratic executive committee at the time of your appointment as commissioner of elections. Did you remain a member of that committee while you were a commissioner of elections ?—A. I did.

Q. Did Mr. White also remain a member of that committee ?—A. He did.

Q. When did you first see the small Democratic tissue ballots with the name of Mr. O'Connor for Congress upon them ?—A. Some time before the election.

Q. About how long before the election ?—A. About a week or ten days.

Q. Where did you see them ?—A. I first saw them in the executive committee rooms.

Q. Please state what executive committee rooms.—A. The Democratic executive rooms.

Q. In whose possession were they ?—A. They appeared to be in the possession of the chairman of the committee.

Q. When you were engaged in canvassing the votes, did you find any of them in the ballot-boxes ?—A. I did.

Q. In about how many boxes did you find them ?—A. I think they were in four or five of them.

Q. Were they not in more than four or five of the boxes?—A. They may have been. I don't recollect now.

Q. Can you give any idea of the number found in those boxes?—A. I can not.

Q. Did you not testify, on a previous occasion, that there were at least four or five thousand?—A. I may have done so.

Q. If you did so testify it was true, was it not?—A. Without doubt.

Q. By whom was it determined to use these tissue ballots?—A. Determined, I believe, by the Democratic party.

Q. Was it not determined by the Democratic executive committee?—A. Perhaps more properly by the Democratic executive committee.

Q. In canvassing the votes did you find any Republican tissue ballots?—A. I did.

Q. What number of them did you find in the ballot-boxes?—A. Quite a number.

Q. Give the number, as near as you can.—A. That is a hard matter for me to recollect just now.

Q. About how many?—A. I cannot very well state.

Q. Did you not testify before the Teller committee that it was a very small number that was found?—A. I may have done so.

Q. Which was right was there a large or small number of Republican ballots found in the ballot-boxes?—A. It is a matter of memory with me. I did testify that there were Republican tissue ballots found, but what number I don't recollect now.

Q. In your testimony before the Senate investigating committee, of which Mr. Teller was chairman, page 68 of the printed testimony, in answer to an inquiry in regard to the number of the Republican tissue ballots found in the box, you stated that there was a very small number; please state now whether or not that testimony is correct.

(Contestee objects to any statement by contestant of any testimony other than has been taken in this case. Contestee does not object to any inquiries in regard to the same, but does object to any statement made by contestant theretrom.)

A. Without question.

Q. You also testified that you supposed a hundred would cover the number; is that testimony correct?

(The mode of inquiry objected to as above by counsel for contestee.)

A. Without doubt.

Q. How were the ballot-boxes and poll-lists and instructions distributed to the different polling precincts?—A. The managers in many instances came in for the boxes; in some instances the boxes were sent to some of the precincts.

Q. Were not the boxes delivered only to those who brought an order from the Democratic executive committee?—A. I don't think so.

Q. Was not that the case in most instances?—A. It was not.

Q. Did the commissioners of election send any ballot-box, poll-list, and instructions to Edisto Island?—A. I believe they did.

Q. By whom were they sent?—A. I think the managers of elections came for them.

Q. Which one of the managers of elections?—A. I don't recollect now.

Q. Do you know whether or not any of those managers qualified?—A. I think it was required by the board that they should qualify before they took off the boxes.

Q. As a matter of fact, was not the box sent by a young man of this

city who was not a manager of elections?—A. As a matter of fact, the witness don't recollect.

Q. Then you are not certain about that particular box being delivered to one of the managers?—A. If my recollection serves me right, it was delivered to the managers who came for it.

Q. That particular box for Edisto Island?—A. For Edisto Island.

Q. Were the persons selected by the board as managers generally known to you personally?—A. They were not.

Q. How did you get your information as to their fitness and qualifications?—A. We received certain instructions as to qualifications of managers.

Q. Did you not act on the suggestion of the executive committee of the Democratic party as to their fitness and qualifications?—A. In some instances.

Q. Did you not in most instances?—A. Perhaps in most instances.

Q. You testified that, in coming from your residence to the city hall, the headquarters of the commissioners, on the day of the election, you saw quite a large crowd assembled at the various precincts in the city; what precincts did you pass in coming from your residence to the city hall?—A. I passed that of ward two, and of course ward one, the city hall, the headquarters of the commissioners.

Q. Then you passed only two?—A. Yes.

Q. Has it not always been customary for the Republicans in ward two to assemble at the court-house poll very early in the morning?—A. I should say so.

Q. Has not that poll always given a large Republican majority?—A. Well, I am not of that impression.

Q. You say you voted at ward one?—A. Yes.

Q. Do you live in that ward?—A. I lived in ward two.

Q. At ward one you testified that the majority of the people around the poll were colored people; do you know whether or not more white people voted there than colored people?—A. In the first place, I did not testify about ward one alone. I testified that at ward one, as well as ward two, there were a large crowd of colored people in ranks in the morning.

Q. Then I understand you to say that the majority around ward one and two were colored people?—A. You do understand me to say so.

Q. Of the men who voted at that ward were there more colored than white?—A. Undoubtedly so.

Q. Upon what do you base your information?—A. From seeing.

Q. How long were you at that poll?—A. Most of the day, the headquarters of the commissioners being at the city-hall.

Q. How often did you visit the other polls?—A. Frequently during the day.

Q. About how many times did you visit each poll during the day?—A. It is a hard matter to say.

Q. Did you visit the different polls during the day at least twice?—A. Perhaps a dozen times.

Q. How long did it take you to go the rounds of the different polls each time?—A. Having a pair of fast horses we used to accomplish it in a half hour.

Q. So that if you visited the polls twelve times, and were engaged a half hour each time you made your visits, then you were absent from the city-hall poll about six hours?—A. There is no answering that question, because I would be giving an indefinite answer. It is impossible for me to say how long we were away from our headquarters. Besides

we always had one or more of the commissioners at the headquarters while the others went around.

Q. You testified that a number of colored men voted the Democratic ticket on the day of election; do you testify from actually seeing them vote that ticket?—A. Of course not; it was almost impossible to tell what ticket they voted.

Q. Do you know of any colored men being intimidated from voting the Democratic ticket at the last election?—A. None came under my observation.

Q. You testified on your direct examination that all the polls in the city were opened promptly at six o'clock; were you present at each poll when it was opened?—A. Of course not; that was an impossibility.

(Counsel for contestee again objects to asseverations being made by contestant as having been made by the witness, and urges that the form of question should be in the way of an interrogatory, and not in the manner of an assertion.)

Q. How do you know that there was a universal dread amongst Republicans to vote any other but the Republican ticket?—A. Past experience had showed me that.

Q. Had you ever been connected with the Republican party?—A. Hardly ever.

Q. Did the same universal dread exist at the last election?—A. That was my opinion.

Q. Is that opinion based upon any facts that came within your knowledge?—A. From the experience that I have had, having been in politics since 1875 and having been a close observer of these affairs.

Q. And that experience taught you that there was a universal dread amongst the Republicans to vote any other but the Republican ticket?—A. That experience taught me that the Republican party never did exercise their rights, they being in fear of being ostracised and in dread of party persecution of their fellows. I will say in the election of 1878 the Democratic party enabled the colored people, who composed the Republican party—I might more properly say the rank and file—the glorious opportunity of expressing their opinion freely as to who should be the candidate.

Q. In what way did they afford them that opportunity?—A. Because they promised them protection, and because they promised to take care of them.

Q. Well, was that protection afforded them?—A. It was, to a very large extent.

Q. So that there was no fear amongst the Republicans in regard to voting the Democratic ticket at the last election?—A. There was not; that is my opinion.

Examination in reply by M. P. O'CONNOR, contestee:

Q. After your appointment on the board of commissioners of elections by Governor Hampton, did you act in concert with the Democratic executive committee, or have anything to do with them as a separate board?—A. I acted and counseled with the executive committee, knowing that I was selected as a commissioner of elections, and that the two duties did not conflict.

Q. You acted upon your responsibility as a commissioner?—A. As commissioner I acted as a commissioner, and as a member of the Democratic executive committee I acted as a member of the executive committee.

Q. After your appointment as a commissioner, and your entrance

upon the duties of a commissioner, did you take part in the proceedings of the executive committee.—A. Some; not to any great extent.

Q. Did you take your instructions from them, or govern yourself by the election laws of South Carolina?—A. Governed by the laws as forwarded by the secretary of state.

Q. You received with your instructions, and with your other papers, a copy of the election laws?—A. We were sent extracts from the laws of the State in regard to elections.

Q. Have you a copy of that law?—A. No, sir.

Q. Was there any concealment about the tissue ballots that were used on election-day?—A. I don't think so, sir.

Q. Had not tissue ballots been used in South Carolina before the election of 1878?—A. They may have been, but not in my recollection or experience.

Q. You have heard of them being used?—A. I think I have.

Q. When you gave your testimony before the Teller committee, it was given entirely from memory; it was based upon your recollection. You had kept no data?—A. None at all.

Q. You testified as to the best of your recollection?—A. I did.

Q. May you not have erred in your recollection of facts about which you have testified before Teller committee?—A. It is entirely a matter of recollection with me, the time has been so long that has elapsed between the time I gave my evidence before the Teller committee and my evidence now before this committee.

Q. Did you or did you not count particularly the Republican tissue ballots that you found in the boxes?—A. Not particularly.

Q. You cannot say distinctly, and do not propose to be bound by any estimate in figures as to the number of Republican tissue ballots you found in the boxes?—A. I do not.

Q. (Exhibiting to the witness some Republican tissue ballots.) Were those the character of Republican tissue ballots which you found in the boxes?—A. These appear to be the kind I found there.

Examination continued by G. R. WALKER, counsel for contestee:

Q. The stenographer has noted in reply to the last question put to you on cross-examination, that you had no fear at this election of any dread existing among the colored people desiring to be Democrats to so publicly profess themselves; was that your meaning?—A. That was my meaning.

Q. That's merely your opinion?—A. I give you this as my opinion.

Q. You have been examined on the subject of Democratic protection for colored Democrats in 1876; are you not cognizant of the attack on colored Democrats, as well white, at Cain Hoy, in the streets of Charleston, and the intimidation throughout the county, which the Democrats were unable, at that time, from various causes, from quelling, and affording and thereby maintain their promised protection?

(Objected to by contestant as irrelevant, and as having nothing to do with the election of 1878.)

A. The Democratic party, from various causes, could not give the protection to our colored Democrat friends they had been promised. The Cain Hoy riot I am well aware of, but more particularly as to the King-street riot, of which I was a personal participant; it was very evident to my mind that it was an utter impossibility to afford any protection whatsoever, for it was attempted that night. The night of the King-street riot it was attempted to give protection, and in trying or attempting to do so we were run down upon and mobbed by infuriated Re-

publican colored men, the result of which was the loss of one or two lives, perhaps more; and from which it was very evident to the community that if they intended to make good their promise of protection to their colored friends that they had to be up and doing.

(Answer of witness objected to by contestant on the ground of relating to matters which it is alleged occurred in 1876, and not at the election of 1878.)

Q. On account of these Republican murders, mayhem, woundings, mubbings, and intimidations, in 1876, would a nervous negro, in 1878, vote a large striped-back gaudy colored Democratic ticket, or would he vote secretly a tiny slip? You say you have had many years of experience in politics among the negroes; therefore, as an expert, I ask your reply to this question.—A. I think I can; I can well answer that question by saying, in a very few remarks, that the Democratic party thought that was the issue.

Q. You mean by that that the tissue tickets were intended for the protection of the negro?

(Objected to as leading by contestant.)

A. I would state that the Democratic party employed the use of tissue ballots to facilitate and to protect their colored Democratic friends in voting for their choice—namely, the Democratic ticket.

Q. Now were the commissioners in any way responsible for any failure of the managers on Edisto Island?—A. The commissioners did their whole duty, and were not responsible.

Q. Was any official protest for any wrong of the managers on Edisto, of commission or omission, filed with the commissioners prior to the canvass?—A. There were not.

Q. Is not the route from Charleston to Edisto very lengthy and circuitous, and having to cross shallow places?

(Objected to by contestant as leading.)

A. No question about that.

Recross-examination by E. W. M. MACKEY, contestant:

Q. Have you traveled the route from here to Edisto Island?—A. Never have.

Q. You have never been from here to Edisto?—A. Never have.

Q. Was not your recollection of what occurred during the election of 1878 better seven or eight months ago than it is now?—A. One would naturally think so; the farther we get from these things or occurrences or incidents the more we forget them.

Q. Have you had any occasion to refresh your memory in regard to what occurred during the election 1878 since you testified before the Teller committee?—A. I have read over my evidence before that committee.

Q. But in regard to the facts of that election, are you better informed now than then?—A. Of course not.

By G. R. WALKER, counsel for contestee:

Q. You are acquainted with the geography of your State?—A. I think so.

T. BARKER JONES.

Sworn to before me this 23d day of September, 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

Deposition of M. Hogan.

CHARLESTON, September 23, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA.

Charleston County:

M. HOGAN (white), a witness of legal age produced by contestee upon due notice to the contestant, deposes as follows in reference to questions propounded by contestee:

Question. What is your age, residence, and occupation?—Answer. I have a great many occupations. I live in King street, number 697, Charleston, South Carolina, and am thirty-seven years of age.

Q. You were once a butcher?—A. Yes, sir.

Q. Resided in Charleston all your life?—A. Yes, sir; since I was seven years of age.

Q. You were present at the election of 1878?—A. Yes, sir. I was there all day.

Q. What ward?—A. Ward eight, Niagara engine-house.

Q. In what position?—A. As chairman of the rallying committee of ward eight.

Q. Were you present at that poll all the day, or did you go anywhere else?—A. With the exception of a half hour or so that I went off to get a cup of coffee, I don't recollect going off more than once or twice.

Q. Were the polls opened at six o'clock?—A. Yes, sir; by the watches they had there.

Q. Who were the managers they had there?—A. Frank Heidt, Andrew Moreland, and Mr. Fishburne. I don't know the initials of Mr. Fishburne.

Q. Who was the clerk of the board?—A. I think a man by the name of John Manning.

Q. There were two United States supervisors there?—A. Yes, sir.

Q. One Democrat, and one Republican?—A. Yes, sir.

Q. What did you notice on the morning of the election; did you arrive there before six o'clock?—A. I staid there all night so as to be there as soon as Mr. Dunnemann's crowd; they came there about three o'clock a. m., and we met them there. They came there in 1876, about three hundred strong, shouting and ballooning, and we could not get there to vote at all, slipping men back and forwards, and kept us until ten or eleven o'clock before we could cast a vote; so we determined to stay up all night, and they staid up along with us.

Q. You anticipated a descent on that poll by Dunnemann and his gang?—A. Yes, sir; they had a crowd at the church; Dunnemann was not with that crowd, but with the crowd that came from his home.

Q. Where is this church situated; how far from the poll?—A. It is in Fishburne street, about one hundred and fifty yards from Shepard st.

Q. Running from Dunneman's farm?—A. No, sir.

Q. You say there were about three hundred together there that night?—A. 1876 there were about three hundred and fifty together at Dunneman's house; there were about forty or fifty together there on the night before the last election.

Q. Did you ascertain what they were there for?—A. They were there

for the purpose of taking the polls as they did in 1876; when they came, they came running down, laughing, and they said, when they got there, "You beat us here this morning." We said yes, and we all had a big laugh over it.

Q. How many of your rallying committee were there?—A. We had about twelve or fifteen men and a dozen boys; in all, about thirty odd.

Q. You were at the engine-house before they arrived?—A. We heard when they were coming and we started at the word and ran to the engine house, and we beat them there. We had a big laugh over it. They said "You beat us," and we all laughed.

Q. They staid there all night?—A. Yes, sir.

Q. Until the opening of the polls?—A. Until the opening of the polls.

Q. Did you observe a large number colored people from outside of the city come there to vote?—A. After the polls opened they were coming in thousands; after the polls opened I suppose there were two or three thousand there. I saw a solid column; the streets was black with them; just like a solid column of soldiers during the war; I think at one time the column was from the Niagara engine house to the Marion engine-house. I think that about six hundred yards. I recognized a negro from Augusta, and asked him how long he came down; he said, "Yesterday." I asked him if he wanted to vote, and he said, "If you let Georgians vote." I said no; he said, "Then, I cannot vote," and he went off.

Q. They appeared to be all strangers?—A. Yes, sir; the majority; several were asked where they lived; some said on the Savannah Railroad, some above Pineopolis, some lived in Colleton County, and not in Charleston County at all.

Q. Was the attention of the managers called to those facts as causes of challenges, first?—A. Yes, sir; the managers asked them where they came from; they said they came from New Bridge, where they landed from across the river, I suppose, about ten o'clock in the day. Mr. Dunneman came there leading two or three hundred.

Q. He was on horseback, leading the procession?—A. Yes, sir; the men that came to vote there were some few of the men whose votes were challenged because they had voted already. I believe this gentleman present (Mr. Hogarth, the stenographer) came up with some of them, and some of the gentlemen at the door called their names out, and they voted, except one man named Adam Graham; they looked over the poll-list, and his name was there; he denied that his name was Adam Graham, and I asked Col. Wallace what we should do with him, and he said arrest him, and he was carried down to the court-house, and gave bonds, but whether he was tried or not I don't know. There was another man I knew, who was a town fellow; after he was recognized he did not attempt to repeat; he quit the business and went off.

Q. You were put on your guard that day against the repeating of the colored people?—A. Yes, sir.

Q. Had repeating been carried on at that poll at previous elections?—A. Yes, sir.

Q. On a large or small scale?—A. On a large scale.

Q. You looked for a great deal of repeating to be done on this occasion?—A. Yes, sir.

Q. And you were on your guard against it?—A. Yes, sir.

Q. Did the white people vote there or go elsewhere to vote on account of the crowd?—A. I said to a great many white people that I had not seen them vote, and they said they had voted at other polls, at the

Marion engine-house, and all the way down; there were a great many workingmen that could not get to the polls and could not wait, and they had to go on down town.

Q. Who acted as challenger on that occasion for the Democratic party?—A. I did sometimes; James Stephens, Jo Lyons, and others, though I cannot remember their names now.

Q. Were these colored people under the command or charge of an officer—what I mean to say is, under an election operator?—A. Only their rascals, and this man Dunneman, he appeared to have charge of the gang he brought there.

Q. When they came up to vote they were sworn?—A. Yes, sir; everybody that voted there were sworn.

Q. Were any persons arbitrarily refused to vote without being challenged and examined as to his right to vote?—A. Only those that were identified as having voted at other polls, and others proved not to be residents of the county. Some were stopped until they could furnish affidavits that they had not voted. This man Graham furnished his affidavits, but his name was on the poll-list.

Q. Were any challenged on account of age?—A. Some on that ground as paupers.

Q. There were no persons refused to be allowed to vote only those challenged on the ground of age, and those that were not residents of the county?—A. Yes, sir; that is the way.

Q. Who kept the poll-list?—A. This man Burke, he kept one poll-list, and Manning, he kept the other; that's the secretary. I don't think there were any more kept.

Q. Have you any recollection of how many votes were rejected for cause shown on that day?—A. I don't recollect the number, but there could not be very many.

Q. Did you see what became of these gangs after they had voted and filed out; did they go down the street in line?—A. My attention was called outside to look out for these men; they went back into the line where they formed again; they all looked so dark like you could hardly tell them, except by some patch on their clothes or scratch on their faces.

Q. These people being all strangers to the managers or officers of elections, they could not be distinguished except by a patch on their clothes or a scratch on their faces?—A. Yes, sir; unless they had a particular mark about them or some patch on their clothes.

Q. Was your attention called to the fact that large numbers of colored men were coming up there to repeat?—A. Yes, sir; a courier came up and told us that a large crowd was coming up from ward one and to look out for them, that they would attempt to vote; but upon being recognized they would go off.

Q. The people that came up to vote, did they hold their tickets up so that every one could see them, or have them concealed?—A. They had them concealed—all persons had them concealed, white as well as colored persons; they would freeze on to them, as it were.

Q. The majority of these people were country people—negroes?—A. The majority were country negroes.

Q. Did I understand you to say that some of them came from Bantoul's?—A. The other side of Rontoul's, and one man came from Georgia; he did not stay long; he went off; there was one man that came in there and wanted the rebel ticket; he said he wanted to vote the rebel ticket. He asked for the ticket with Hampton on it; some of them wanted to mount him.

Q. For voting the Democratic ticket?—A. Yes, sir; for voting the Democratic ticket; he lived in Saint Andrew's Parish, at Captain Latham's plantation. I think he is one of his hands. I had to keep him in there about a quarter or about a half an hour before letting him out. They wanted to kill him, the crowd of negroes around there.

Q. Were the crowd of colored people around there inclined to treat a colored man fairly after he had voted a Democratic ticket?—A. Not from the way they went for this man. This was the only colored man I saw vote openly; the balance had to do it secretly.

Q. Do you not know of colored men being reviled and attacked for voting the Democratic ticket?—A. Yes, sir; in previous elections. I was going with a fellow one day to vote, and he was stopped by some men. If he voted the Democratic ticket he would be putting himself back into slavery and have a master who would whip him. William Bailey, now at the guard-house, was the man—they wanted to go for him.

Q. Were there table-keepers there on the day of election?—A. I think they had table-keepers there; but I did distribute the tickets myself in the morning.

Q. Do you recollect how many kinds of tickets were there?—A. Those that I had in the morning were striped ones, and there were also white ones and thin small ones; there were all kinds, if my memory serves me right.

Q. In your canvass of the election did you come across many colored men that said that they were going to vote the Democratic ticket?—A. Yes, sir; I heard a great many say so. I heard some Republicans say they were going to support Mr. O'Connor in preference to Mr. Mackey.

Q. Did you see Dunneman going down town at the head of his gang?—A. No, sir; I saw him coming along Spring street towards the polling precinct, head of his gang of colored men.

Q. Did he stay there all day?—A. No, sir; he staid there a very few minutes, and left.

Q. Did his crowd follow him?—A. I think part of his crowd followed him.

Q. Were the tissue ballots exposed on the tables?—A. I saw several fellows have them in their hands.

Q. By these tissue ballots you mean these small tickets?—A. About the size of a fifty-cent bill.

Q. Did you see any small Republican tickets on fine paper—tissue paper?—A. To the best of my belief I think I did see one of that kind there. Some one called my attention to it. I am not positive.

Q. Do you know at what election you first saw tissue ballots used here?—A. The first time I saw them was when Major Boag was a candidate for mayor; he sent us a package to be used at the primaries; they called them kiss jokes.

Q. Were these tickets exposed on the tables?—A. No, sir; these were not exposed on the tables; these fellows had them in their hands.

Q. You did not see them there?—A. No, sir.

Q. They may have been there, though you did not see?—A. Yes, sir. When the men came to me for tickets, I gave them one.

Q. Did you see any colored men with them?—A. Some of them.

Q. From the time of the opening of the polls, at six o'clock in the morning, until 6 o'clock in the evening, everything was carried on fairly and squarely.—A. Whenever anything was going on wrong, it was referred to the managers of election, and we would abide by their decision.

Q. Were you present when the box was opened?—A. No, sir; I was

tired, and I went off with Mr. Vincent to get a drink, and he said "Let's go down to the Military Hall," and I went with him.

Q. Who remained to count the votes?—A. The managers, their clerks, and the two supervisors.

Q. You were not present?—A. I went away, and they were counting when I got back; pretty nearly finished when I came back.

Examination continued by G. R. WALKER, counsel for contestants:

Y. You say you were a ralier?—A. I was chairman of rallying committee, and challenger besides.

Q. If you were rallying a Republican to vote the Democratic ticket, would you expect him to do it openly?—A. No, sir; would not expect him to do it openly.

Q. In such a case would you not have to supply him with the smallest possible ticket in order to hide his action from his fellow Republicans?

(Objected to by contestant as leading.)

Q. Yes, sir.

Q. Between the hours of twelve and one were you at that poll?—A. Yes, sir; I was there all day, with the exception of ten or fifteen minutes at a time. I may have been away in the morning about fifteen minutes to get a cup of coffee.

Q. Were you at the box between twelve and one?—A. Yes, sir.

Q. Was there a large crowd at the poll that time?—A. Yes, sir; there was a large crowd there from the time the polls opened until they closed. In regard to the supervisor on the Republican side, whether he began his figures on his poll-list right or not I do not know; my friend Mr. Hogarth called his attention to it.

Q. Is there any other matter that relates to Mr. M. P. O'Connor that you can recollect?—A. Nothing that I can recollect now.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Of the rallying committee of what party were you chairman?—A. Of the Democratic party.

Q. Were you not also a United States deputy marshal?—A. No, sir; I never held any office the day of election.

Q. Were you not appointed?—A. They asked me to accept and I refused.

Q. Did you not have a badge?—A. No, sir.

Q. Had a commission as such?—A. I had.

Q. As deputy United States marshal?—A. No, sir; as chairman of the rallying committee.

Q. To what political party did these three managers at that poll belong?—A. I cannot tell that. I did not see them vote.

Q. Are you acquainted with Mr. Heidt?—A. Yes, sir.

Q. Do you know what his politics are?—A. He is a Democrat.

Q. Are you acquainted with Mr. Moreland?—A. Yes, sir.

Q. Do you know what were his politics?—A. I have always heard people say he was a Republican. Since he had been in the United States service he has been looked on as a Republican for some time.

Q. With what political party did he act that day?—A. I supposed he acted with the managers.

Q. From his actions could you not judge with what party he was acting?—A. He was acting very fairly towards both parties.

Q. Do you know to what party Mr. Fishburne belongs?—A. I have a little acquaintance with Mr. Fishburne.

Q. Is he a Republican?—A. Not to my knowledge.

Q. Is he a Democrat?—A. He has always pretended to be a Democrat since I have been acquainted with him, about five or six months before the election.

Q. To what party did Manning belong?—A. He has been a Democrat and sometimes a Republican, but sometimes he has worked with Republican party on the street and sometimes with the Democratic party on the street.

Q. Did I understand you to say that you remained at the polls all night?—A. Not at the polls; close to the polls until this gang came up about three o'clock. We all then went to the polls and staid there until morning.

Q. You and your friends succeeded in capturing the polls that morning?—A. No; we did not capture the polls; there were both Republicans and Democrats there.

Q. How long did it continue that there was no grumbling there?—A. All day long. Whenever there was a row, we would refer it directly to the managers, and what they said, we would abide by their decision.

Q. Could any person that desired to vote there vote there?—A. Except those that were challenged.

Q. With those exceptions, all voted that wanted to vote?—A. Yes, sir.

Q. How many were there in this crowd of Mr. Duncanson's that tried to get to the poll that morning?—A. About fifty or sixty, to the best of my knowledge.

Q. Did they obstruct the polls in any way?—A. We drank together, joked together, and laughed together until the polls were opened.

Q. Those colored men that you say came in thousands, where did they come from?—A. Some said from St. James Goose Creek; some from Rantoul's, and some came from Hickory Bend.

Q. How far is Hickory Bend from Charleston?—A. About forty-four and one-half miles; it is above Dean's Swamp.

Q. What hour in the day did you see these men from Hickory Bend?—A. About nine or ten o'clock.

Q. How far is Hickory Bend from the railroad?—A. I think it is about sixteen (16) or eighteen (18) miles from Ridgeville.

Q. The negro from Augusta whom you recognized, did he vote?—A. No, sir; as soon as he said he was only two days from Augusta, I told him he could not vote, and he went off. He said he did not come there to vote, and "if he had no right to vote he would not vote."

Q. About how many people were in the line that you said extended from the Niagara engine-house to the Marion engine-house—six hundred yards?—A. Some three or four thousand people.

Q. Were all of these three or four thousand people in line?—A. Some in line; some out.

Q. Did they all vote at that poll?—A. No, sir.

Q. Did the best part vote?—A. No, sir.

Q. Why not?—A. Because they did not stay there until their turn came.

Q. Were voters from any ward in the city allowed to vote at your poll?—A. I don't know that there was any question of that kind made there. They were voting all over the city wherever they could get a chance.

Q. Were persons from the country allowed to vote at your poll?—A. Those that had the right were allowed to vote.

Q. How do you know who had a right to vote?—A. Because they were all sworn; and I suppose they did not tell a lie.

Q. Did any voters from St. Andrew's Parish vote at that poll?—A. Yes, sir.

Q. Were any large number of voters from St. Andrew's Parish allowed to vote there?—A. I suppose there were a great many men voted there from St. Andrew's Parish and from other portions of the country.

Q. Are you not acquainted with the men in St. Andrew's Parish?—A. No, sir; not very well; but I am acquainted with the men around ward eight.

Q. Was every person who offered to swear that he had lived in this county sixty days, and had not voted at any other precinct, allowed to vote?—A. Yes, sir; except those that were challenged as having voted at some other precinct.

Q. When a party was challenged because they had voted at some other precinct, was the party challenged sworn?—A. Yes, sir; and they were required to make an affidavit before they were allowed to vote.

Q. Did they make that affidavit?—A. I don't know; those that made affidavits that they had not voted, their names were called out and they voted.

Q. You say some men were challenged as paupers; how do you know they were paupers?—A. By sending to the Old Folks' Home and finding out. There are some outdoor paupers. There was a very old fellow who was taken out of the line; I think Mr. Brown identified him, and made him get out of the line and go home.

Q. Was any repeating done at your poll?—A. Not that I know of.

Q. How many men were arrested at your poll for attempting to vote a second time?—A. One I remember.

Q. How many others?—A. I don't remember any others. This man would not have been arrested, but he had sworn he had not voted, and had brought a sworn affidavit that he had not voted; he was arrested for the lie he swore to.

Q. What position were you allowed to occupy as challenger at the polls?—A. Sometimes on the outside of the engine-house; sometimes inside the barricade. They had the point of the barricade formed in the shape of the letter "V." I was sometimes on the inside of the barricade, sometimes outside, and sometimes by the door.

Q. Were any of the Republican rallyers allowed to occupy a similar position as yourself?—A. There was Charlie Green and D. F. Bull who was standing up there all the time, and others I cannot remember.

Q. Did either Green or Bull occupy a position similar to yours?—A. sometimes they did and sometimes they did not; sometimes they were outside by the door and sometimes they came up to the door by the railing. We had a very quiet election; there was no wrangling about there at all.

Q. You testified that poll-lists were kept by Burke and Manning?—A. Yes, sir; each one kept a separate list.

Q. Did Burke keep the poll-list of the managers, or his list as supervisor?—A. Yes, sir.

Q. Was not the poll-list kept by Manning—the poll-list of the managers?—A. Yes, sir.

Q. Did any one else keep the poll-list?—A. Yes, sir. I think when Manning went to get something to eat, one of the managers kept the poll-list for him.

Q. Which one of the managers kept the poll-list during his absence?—

A. I don't know whether it was Mr. Moreland or Mr. Fishburne. He might have been absent three, four, or five minutes.

Q. Who had control of the police force on that day?—A. Col. Alfred Bhett; he is chief of police.

Q. Is he a Republican or Democrat?—A. He is said to be a Democrat.

Q. Was not the city administration a Democratic administration at that time?—A. Yes, sir; that is, there was a Democratic mayor, aldermen, and so on.

Q. Did you say that the colored men could not safely vote the Democratic ticket that day?—A. Not if they got hold of him. As I told you, one came in there and asked for the Rebel ticket, and after he voted he had to stay there until I got some one to go with him to protect him.

Q. Do you mean to say that the city and State, both being in the hands of the Democrats, that they could not protect a colored man that day?—A. I don't say that, but if he had gone off they would have torn him to pieces.

Q. Did you see any colored men vote the Democratic ticket?—A. I saw several voting them; they took them out of my hand.

Q. Did you see them voting them?—A. Yes, sir.

Q. A little while ago you testified that the people took their tickets to the poll concealed?—A. Sometimes they would hold them in their hand.

Q. You could tell sometimes how they voted?—A. Sometimes.

Q. You could tell sometimes how they voted, and sometimes you could not?—A. Yes, sir.

Q. You testified that you heard a great many colored men say they were going to vote the Democratic ticket. Were they Republicans?—A. That is very hard for me to answer, as I looked upon all colored men at heart as Republicans.

Q. Name some of those colored men?—A. There were some forty or fifty on the special police force. Gus Dawson, Samuel Morison, Gill Rivers, John Collins, and Edward Daily.

Q. Were these men on the special police force?—A. No, sir.

Q. Besides these forty or fifty on the special police force?—A. Yes, sir.

Q. By whom were these special police employed?—A. By the mayor.

Q. Whom did he support for Congress?—A. I cannot say, though I suppose he was supporting the Democratic nominee.

Q. You testified that some Republicans were going to support Mr. O'Connor instead of Mr. Mackey for Congress; name some of them.—A. I could not do that; you might have a spite against them.

Q. About how many told you so?—A. They were right smart told me so.

Q. Do you know whether they did as they said?—A. No, sir; I don't know. I could not say that.

Q. About how many colored men voted the Democratic ticket at your polls?—A. I could not tell you that. It is a matter of impossibility.

Q. What time in the day was Mr. Dunneman at that poll?—A. To the best of my belief about ten (10) o'clock.

Q. How long did he remain there?—A. He did not remain there very long.

Q. Did he come back?—A. I did not see him again that day to my knowledge.

Q. He was only there for a few minutes the whole day?—A. He came there on horseback at the head of some colored men, and remained there a while and left.

Q. Did you not run him off?—A. Why, no, I did not.

Q. You testified that the first time you ever saw tissue ballots in this city was when Major Boag was a candidate for mayor?—A. Yes, sir.

Q. Were they Democratic or Republican?—A. I suppose they were looked upon as Republican.

Q. But as a matter of fact were they not used at a Democratic primary election?—A. I do not know how to answer that. I don't know whether they were Democratic primaries or Republican.

Q. Was not Major Boag a candidate in the Democratic party as against Gen. Wagoner?—A. In the estimation of some men, he might have been considered a Democratic candidate and others that he was Republican.

Q. Were they not both contending for the Democratic nomination?—A. Yes, sir; to see who would be mayor for Charleston.

Q. When was the first time that you saw the tissue tickets used at a general election?—A. I cannot remember that.

Q. Have you ever seen them used before the last election at any general election?—A. I think I saw some small Republican tickets in 1876.

Q. Tissue tickets?—A. Yes, sir; then I saw some tickets that had a Democratic ticket pasted inside of a Republican ticket. There were some men that were afraid of voting the Democratic ticket openly and they pasted a Republican ticket at the back of it.

Q. Are you positive that you saw tissue tickets at the election of 1876?—A. To the best of my belief.

Q. Do you know anybody else that saw them?—A. No, sir; I cannot say I do.

Redirect examination by M. P. O'CONNOR, contestee:

Q. (Handing witness a Republican tissue ticket.) Did you see any Republican tissue tickets like the one handed to you at the last election—that is in 1878?—A. If I did I cannot recollect. Not on the day of election.

M. HOGAN.

Sworn to before me this 23d day of September, 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

Deposition of F. I. Heidt.

CHARLESTON, September 23, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

F. I. HEIDT (white), a witness of legal age, produced by contestee upon due notice to the contestant, deposes as follows in reference to questions propounded by contestee:

Question. Please state your age, residence, and occupation?—Answer. F. I. Heidt, forty years of age; residence, Charleston, ward eight; chief of detective force.

Q. Did you take part in the election of 1878?—A. I did.

Q. Did you hold any position in the election?—A. I did.

Q. What was your position?—A. I was chairman of the managers of election for ward eight.

Q. Who were your associates on the board?—A. Mr. Moreland and Mr. Fishburne.

Q. And Clerk Manning?—A. Yes, sir; we appointed him as clerk, being he was a Republican. I selected him myself for that reason, and also selected Mr. Moreland, because I knew he had been attached to the Federal marshal's office.

Q. Were the polls open at six o'clock?—A. I was there at half-past five, and I waited until the Republican supervisor came before I opened the polls.

Q. Did you have to wait for him until after six o'clock?—A. I had to wait for him a half hour before he came.

Q. At six o'clock the polls were opened, and at six o'clock the polls were closed?—A. Precisely to the minute by my watch. There were several Democrats and Republicans there who wanted to vote, and I refused to let them after the polls closed.

Q. Was anybody at the polls before you arrived there?—A. There was a tremendous crowd there.

Q. What class of people?—A. Colored people generally. I paid no attention to them. I got the keys and tried to get in. I had to force my way. They were in line up to the barricade, which was built like the letter V.

Q. Was the crowd very large that assembled around the poll that day?—A. Yes, sir; a tremendous large crowd, from what I could judge from being inside. I did not leave the box; I staid inside.

Q. How was the election conducted?—A. Everything at the polls was quiet; there was hallooing outside by the people that there was "Row, row," but I staid inside—paid no attention to it.

Q. Who were the challengers there for each of the parties?—A. There were two or three on each side.

Q. Did the Republican challengers have a fair opportunity to take part as well as the Democratic challengers?—A. Yes, sir; quite as much. They were a large number that the Republicans challenged that I would not allow to vote.

Q. Was any one arbitrarily or capriciously refused to vote?—A. No, sir; not by me.

Q. When any charges were made against the voter it was referred to the managers, and they decided?—A. Yes, sir; and I referred to the Democratic and Republican supervisors also.

Q. And they acquiesced in your decisions?—A. Yes, sir.

Q. Were there any white Democratic clubs about the polls?—A. Not to my knowledge.

Q. Were there any attempts to intimidate the Republican supervisor? A. Not that I saw; if there was I did not see it.

Q. He was just as free to act as you were?—A. Yes, sir; I gave him all the chance one man could give another.

Q. Did you see Dunnemann come there with his party?—A. I saw him come there and vote.

Q. You did not see his crowd that came down with him?—A. I saw a crowd of colored men behind him, but there was no row.

Q. Were you warned by the friends of the Democratic party that they were repeating about the city and to look out for them?—A. They came up there and notified us that they were repeating. There were parties that came up there to vote by order of the United States marshal, and I detected one that voted at my precinct already.

Q. Did those that you challenged up there come from other counties ?—A. Yes, sir; and it was proved so by others outside.

Q. From your knowledge previous to the election, did you know of a great many colored people that had previously voted with the Republicans voting with the Democrats on this occasion ?—A. There were a great many that expressed themselves in that way.

Q. Who kept the poll-list ?—A. Mr. Manning, the clerk.

Q. Did the Republican supervisor keep the poll-list ?—A. He did.

Q. Was he ever absent at all ?—A. He went back once or twice to take a drink and get some refreshments.

Q. Was your attention called to the fact that his poll-list was numbered irregularly and wrong during the day ?—A. Yes, sir.

Q. Did he make any change or alterations in it ?—A. I could not tell that ; I did not notice it. When his attention was called to it he laughed over it. When he first came he had a clerk there, and the supervisor on the Democratic side had no clerk, and we told him we thought it was best not to have a clerk on the Republican side. He had a clerk, and I objected to his being there, as the Democratic supervisor had none. When the clerk came in there he had a number of names already written on his poll-list, though there was no ballots cast at the time. My attention was called to it by some parties.

Q. About how many names were on this list ?—A. I could not say; only my attention was called to it by some parties, and when he left he took it away with him.

Q. Were any complaints made to you during that day as chairman of the board of managers by the Republican supervisor about the unfairness of the election ?—A. None.

Q. When a challenge was made, and you rendered a decision for the board, as chairman, were there any murmurs of dissatisfaction with your ruling from any quarter ?—A. But one that I knew of.

Q. Who was that ?—A. That was a colored man that came up to vote, and said he lived in the ward, and some parties said he came from the country. I said, "Can you prove it ?" and a dozen said they could. Afterwards they said, "Let him vote."

Q. I am speaking about the officers.—A. No, sir; not a murmur.

Q. Was the oath invariably administered to the voter ?—A. Yes, sir.

Q. When a challenge was made did it usually precede or follow the oath ?—A. There was generally a halt, as far as I could judge. Mr. Moreland swore the voters generally. I sat down ; Mr. Fishburne he was sitting by the table also.

Q. Were there a great number of challenges of colored people there that day ?—A. I was inside the polls and could not tell. I saw a great many challenged voters that came up to the polls.

Q. When you closed the polls at six o'clock did you proceed at once to count the votes ?—A. No ; we waited for the supervisor. I don't know whether we asked him or he said he was ready. We said we wanted something to eat, and we all consented ; the Democratic and Republican supervisors and managers. I told them we would get a snack and then count the votes. They all consented.

Q. You counted them about a half hour after the polls closed ?—A. I don't suppose it was that long.

Q. In the same building ?—A. Yes, sir.

Q. And you proceeded accordingly to count the ballots in the box to see if they corresponded with the names on the poll-list ?—A. Yes, sir.

Q. And the excess you drew out ?—A. No, sir.

Q. Why not ?—A. Because the Republican supervisor did not agree

to throw them out, and they were counted; but I agreed we should throw out as many Republicans as Democratic votes; he refused to do so. We then agreed to compare our poll-list with his own poll-list to see if they tallied.

Q. And he declined?—A. Yes, sir. I said, "What will we do?" He said "Count them all"; and we did so.

Q. Were there many more names on the poll-lists than ballots in the box?—A. Yes, sir.

Q. How many; can you tell?—A. About one hundred or so. I could not exactly tell.

Q. Not more than a hundred?—A. I don't think so.

Q. Was it the Republican supervisor that objected to this?—A. Yes, sir.

Q. And for the sake of peace and fair play you went on counting the votes?—A. Yes, sir.

Q. You think it made any difference in the result as between Mr. Mackey and Mr. O'Connor?—A. None whatever.

Q. Were there any other objections made by the Republican supervisor from the time you commenced counting until you closed?—A. Not one word. At the close of the polls he refused to sign the certificate. I said on what grounds. He said he would tell that somewhere else. I asked him if there was anything unfair. He would give no satisfaction at all. He said he would not sign. Burke was the man.

Q. Was not the voting very brisk all day long?—A. Yes, sir; pretty nearly all day long.

Q. You have had experience in elections in this State?—A. Yes, sir; I have been taking part in elections ever since the war on the Democratic side.

Q. How does your experience accord with others as to the repeating of the Republican party?—A. If you wish I will give you an illustration. They started the Hunkadore Club, that supported Mr. Cunningham's party against Gen. Wagener's party; the same that are now in a great measure supporting Mr. Courtenay. In Gen. Wagener's administration, when the Broad street clique affiliated with Mr. Cunningham and Mr. Mackey, they had Hendricks as chief of police, and they rallied the colored men from poll to poll with their repeating by the special police that were turned out of the guard-house.

Q. Was Mr. Cunningham a Republican?—A. Yes, sir.

Q. From your experience was there any intimidation exercised over the colored people who desired to vote the Democratic ticket in 1878?—A. There was, and they are trying to do it now.

Q. A good deal of it?—A. Yes, sir.

Q. Was every thing, as far as you could see, fairly conducted in the last election?—A. Yes, sir.

Q. Do you know anything else in reference to the last election for the benefit of the contestee?—A. No, sir.

Q. Did you see any tissue ballots?—A. Yes, sir; I did.

Q. Were they openly seen there?—A. They were open in the ballot-box and I pulled them out.

Q. You did not go around the polls?—A. No, sir; I was inside.

Q. Did the voters offer you their ballots open or closed?—A. They voted with their hands closed. I saw a great many colored people when they come up to vote, their fingers trembled.

Q. You don't know what their object was in shaking their fingers?—A. No, sir.

Cross-examination by E. W. M. MACKEY, contestant :

Q. Were those Democratic colored people?—A. Yes, sir.

Q. Who secured the appointment of Mr. Moreland as manager of that poll?—A. I was asked to get a man who would give fair play, and I said Moreland.

Q. Who asked you?—A. I think it was talked about in the Democratic executive committee room when they were instructing the managers.

Q. Was Mr. Moreland in the marshal's office at the time he was appointed manager?—A. I know he had been there some time before.

Q. Don't you know that he had been turned out some time before that?—A. No, sir.

Q. Mr. Moreland being in the office of the United States marshal, did that necessarily make him a Republican?—A. When Mr. Moreland was given a place in the marshal's office the whole State and city was Republican, and I thought that everybody that was in the employ of the government were Republicans. I did not see a chance for a Democrat to get a place.

Q. Don't you know of a number of Democrats that hold office under the Republican government?—A. No, sir.

Q. What made you tell the Republican supervisor that it was not possible for him to have a clerk?—A. Because the Democrat supervisor had none. I told them both they ought to do their own writing.

Q. The managers objected to both the Democratic and the Republican supervisors having a clerk?—A. Yes, sir.

Q. Did the Republican supervisor attach the list of names that you say his clerk brought with him in the morning to his poll-list?—A. I told you when the clerk went off he took it off with him. When the Republican clerk went off he took the bundle of papers which the parties had pointed out to me that he had the names on.

Q. What was the excess of the votes in the box over the names on the poll-list?—A. I went by the poll-list of the Republican supervisor.

Q. Did the Republican supervisor's poll-list agree with yours?—A. No; he had more names than we did.

Q. Were the number of ballots in the box in excess of the names on his poll-list?—A. They were.

Q. All the ballots that were found in the box were counted?—A. They were counted; I wanted to throw out the excess, but the Republican supervisor refused to do it.

Q. Why did he refuse?—A. He said we may as well count them, and we all agreed to do it.

Q. He objected to throwing out an equal number of Republican and Democratic votes?—A. Yes, sir; and then we agreed to count them all.

Q. Did anybody else besides John Manning keep the poll-list of the managers?—A. When he would go off to the rear for a minute or so, I would write; sometimes Mr. Fishburn and sometimes Mr. Moreland would write.

Q. Was he still keeping the poll-list at the close of the polls?—A. He was.

Q. Were there many attempts on the part of voters to repeat at your poll?—A. I thought, in my estimation, that there was a good many attempts made.

Q. Were any large number of votes rejected?—A. Not a great number.

Q. How many times was the attention of the Republican supervisor

called to the fact that his poll-list was not numbered properly?—A. Once.

Q. Is that the same time to which Mr. Hogan referred?—A. Yes, sir.

Q. How many polls were there in ward eight at the last election?—A. But one.

Q. Is ward eight a large ward?—A. She generally polls about fifteen hundred votes.

Redirect examination by M. P. O'CONNOR, contestee:

Q. Did you see this clerk that was dismissed that had this list with the names on it about the polls that day?—A. Yes, sir; he was there, off and on, all day, and when the polls closed he was a very active party around there. His name was Polite.

Q. Was he a Republican?—A. Yes, sir; we had no clerk on the Democratic side at all.

F. I. HEIDT.

Sworn to before me this 24th day of September, 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

WEDNESDAY, Sept. 24th, 1879.

Court met pursuant to adjournment at the office of M. P. O'Connor, 30 Broad st., in the city of Charleston, S. C.; present, M. P. O'Connor, contestee, and George R. Walker, his counsel, and E. W. M. Mackey, contestant. T. Barker Jones presented himself for the completion of his examination. The following witnesses were examined, viz: C. C. White and Charles A. Aimer.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

Deposition of C. C. White.

CHARLESTON, September 24, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County :

C. C. WHITE (white), a witness of legal age, produced by contestee upon due notice to the contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am fifty-three years of age; reside in Charleston; master mariner.

Q. Were you one of the commissioners of election, 1878?—A. I was.

Q. Appointed by Gov. Hampton?—A. I was.

Q. Entered upon the discharge of your duties at the proper time?—A. I did.

Q. You were associated with two others?—A. Yes, sir.

Q. Who were they?—A. T. Barker Jones and C. W. Montgomery.

Q. What politics were they?—A. Jones was a Democrat and Montgomery a Republican.

Q. The managers you appointed were all intelligent men?—A. As far as I know.

Q. And discreet men?—A. As far as I know.

Q. You conducted the entire election from the day of your entrance on your duty as commissioner up to the close of your functions fair and impartially?—A. I did.

Q. Was any complaint made to you about the conduct of the election on day of election?—A. As near as I can remember one complaint was made.

Q. Who was it made by?—A. Col. Mackey.

Q. What time was the complaint?—A. I think it was, perhaps, in the fore part of the day.

Q. Was it verbal?—A. Yes, sir.

Q. What was the complaint?—A. That they were not allowing the negroes to vote at ward one precinct—the court-house precinct, rather.

Q. Did you examine into the facts?—A. I immediately went there.

Q. What was the result of your investigation?—A. As far as I could learn the managers seemed to be satisfied that there was a great deal of repeating going on, or that they were attempting to repeat, and that they were exercising great care to stop it if possible. I cautioned them to do their duty, and to act without partiality.

Q. They stated then, in answer to your investigations, based upon the complaint of Mr. Mackey, that there were a great deal of repeating going on?—A. Yes, sir; that there was a great deal of repeating and they were using their judgment to prevent it if possible.

Q. Was there a large crowd around polls one and two?—A. Yes, sir.

Q. Generally colored people?—A. Yes, sir; almost unanimous.

Q. Were they principally colored people?—A. Almost entirely.

Q. Were they strangers?—A. They were.

Q. Look like country negroes?—A. As far as I was able to judge.

Q. Did any of the white citizens of that ward go elsewhere to vote in consequence of the crowd?—A. A great many went from wards one and two to other precincts.

Q. Do you know of any of the colored people voting the Democratic ticket in that election?—A. Yes, sir.

Q. Many of them?—A. Quite a good many. I have reasons to believe they were a great many. Some of them I have reason to believe voted it.

Q. Did you make the rounds to the various precincts of the city on the day of election?—A. I did frequently.

Q. Were you accompanied with any one?—A. Once or twice Col. Montgomery accompanied me; afterward I went by myself.

Q. Was the complaint made to you by any of these functionaries on your rounds?—A. There was a general complaint of repeating from wards two, four, six, and eight, in the western portion of the city, and ward seven. I think in all the wards except in ward one.

Q. Was that complaint made of the Republican party?—A. Yes, sir; made by the managers.

Q. Who did they complain of as doing the repeating?—A. The colored people.

Q. Did you visit ward three?—A. Yes, sir.

Q. Were the tissue ballots exposed on the table?—A. I did not see them. I did not see any until we canvassed the election. I saw no tissue ballots until we discovered an error in one of the returns, and we had to open one of the boxes to clear it up, and there we found tissue ballots in one of the ballot-boxes.

Q. Was there any riot or disturbances in the city that day?—A. There was a disturbance at ward three.

Q. Will you state what occurred there?—A. When I went there they were voting quietly, and I went to the rear of the ballot-box.

Q. Who was with you?—A. Mr. Montgomery.

Q. A co-commissioner?—A. Yes, sir; we rode around about three o'clock in the afternoon.

Q. Well, state what transpired.—A. We were there talking when a German approached the ballot-box to deposit his vote, when Supervisor Freeman challenged his vote on the ground that he had voted before at that precinct, and that he would not be allowed to vote there again. The citizen offered to take the oath that he had not voted before. The managers and supervisor overlooked the poll-list but his name did not appear on the same. The managers then decided that he should be allowed to vote. Freeman in the mean time was quite excited, he threw his list on the table, slapped his hand violently over the ballot-box, that is, over the aperture in the ballot-box, and said he was determined the man should not vote, and seized hold of him violently and forced him from the ballot-box; he was rushing him to the door when he and the voter were rushed from the barricade by the crowd that was there. The last I saw of him he was going out of the northern door of the Palmetto engine-house. There was quite a mix-up there then; it was hard to tell one from the other. Before he got up from the chair and put his hand over the ballot-box, being very well acquainted with Freeman, approached him friendly way and quietly and laid my hand on his shoulder and asked him to keep quiet, that all would be right. To the best of my belief he was in liquor. I told him that if the man was willing to take the oath that he had not voted, to let him vote, and make the issue afterwards. He said no, and slapped his hand violent over the ballot-box and collared the voter. I don't say collared him, but seized hold of him; after seizing hold of the voter and getting into the street the melee took place. I afterwards saw Mr. Tom Miller with his arm around his neck trying to protect him.

Q. Was Mr. Tom Miller a Democrat?—A. I presume he is, he is taken as a Democrat.

Q. Did anything else transpire there?—A. When Freeman left all was quiet; we left the precinct all together. I went up town about four or five o'clock to ward six, and found him there; I think it was after that hour, I won't be positive about the time.

Q. Did you find any Republican tissue ballots in the boxes when you were counting the votes?—A. We did.

Q. (Handing witness Republican tissue ticket.) Of the same character of this handed to you?—A. They were of the same kind of paper. I think they were, though, generally longer; about the size of the regular Republican ticket.

Q. Was everything orderly at all the other polls after you left ward three?—A. Everything appeared to be orderly; nothing came under my notice.

Q. You have been living in South Carolina all your life?—A. With the exception of three weeks.

Q. You have been here at all the elections since 1875?—A. Nearly all; I have sailed from this port on various voyages.

Q. You felt it your appointed duty to see that discreet men were appointed managers of this election?—A. I tried to appoint men of discreet minds.

Q. From your experience from the way elections had been carried on

in the State, you had to take care to hinder intimidation and repeating, if possible?—A. Yes, sir; as far as known to the managers.

Q. There had been a great deal of repeating and intimidation in the previous election in South Carolina?—A. Principally in the city. I cannot speak outside of the city.

Q. While the Republican party was in power?—A. Yes, sir.

Q. You were determined to prevent it, if you could, in the election of 1878?—A. I was disposed to do it if I could.

Q. When was this intimidation of voters at elections carried to its greatest height?—A. In the election of 1876.

Q. You took part in that election for Hampton?—A. I did; there was considerable amount of it in the Wagener and Cunningham campaign; I was one of the managers of that election; I was at the Palmetto engine-house.

Q. In the campaign of 1876 were there any riots?—A. Yes, sir; the riot known as the King street riot.

Q. Are you the C. C. White that was wounded at Cainhoy?—A. Yes, sir.

Q. Were the colored people afraid to profess themselves Democrats and vote the Democratic ticket in previous elections to 1878?—A. They represented themselves to me so, a great many of them.

Q. Those colored men that professed themselves to you as Democrats in 1878, did they do it secretly or openly?—A. Some openly and some cautiously. If they showed a disposition to vote the Democratic ticket they would have been intimidated and turned out their churches, companies, &c.; in other words, they would have been ostracized.

Q. They were afraid of their own race?—A. Principally from their own political friends, who were principally colored..

Q. Have you reason to believe that many of the colored people who voted the Democratic ticket in 1878 voted the ticket secretly—what I mean is without showing their votes?—A. Some voted them openly and some closed. I saw some vote them openly, but they were disposed, as a general thing, to vote secretly and quietly.

Q. Was the voting population of Charleston swollen by the influx of people from other parts of the country on the election day of 1878?—A. There were a great many in the city from the island and from Ten Mile Hill, and in that direction.

Q. What we call country negroes?—A. Yes, sir.

Q. Were the Democratic party well organized in 1878?—A. They were very well organized; they were in tolerable good condition.

Q. Had not the negroes or colored people been going over to the Democratic side ever since the election for Hampton in 1876?—A. They have a great many of them.

Q. Do you or do you not know that many former Republicans were induced to vote the Democratic ticket from their disgust of the general personnel of the Republican ticket which was put forth by the State street Republican convention?—A. I have heard them express themselves that way.

Q. Were not those nominations made by State street Republican convention received with indignation, in consequence of certain names on that ticket, by many respectable colored Republican citizens in Charleston?—A. It was; a great many objected to the names used as candidates.

Q. On the county and legislative ticket?—A. Yes, sir.

Q. Was it not the general impression when that ticket was announced that defeat was inevitable?—A. It was.

Q. Did not the character of the nominations made by the State street convention materially impair the strength and power of the Republican organization?—A. It did so; I heard it openly expressed so by Republicans on the streets.

Direct examination continued by G. R. WALKER, counsel for contestee:

Q. You have a great deal of acquaintance with negroes in this section?—A. Considerable.

Q. Are rural negroes easily discernible from city negroes?—A. Oh, yes, certainly; a distinct difference in their general appearance and mode of speaking.

Q. The importation of cargoes of negroes from distant points in previous elections by the Republican leaders has been a matter of common notoriety in Charleston?—A. It is town talk.

Q. Is it an easy or difficult thing for the managers to identify large bodies of strange negroes, who may attempt to repeat and to repeat again, even at the same ballot-box?—A. It is quite difficult to a great many. I see some who could identify them. I can hardly tell one negro from another, even those that I have known for years.

Q. But to the average white man the identification of negro voters is generally difficult?—A. Yes, sir.

Q. Since freedom have not the negro freedmen selected favorite names for themselves?—A. They have, a great many of them; previous to emancipation they were known by their correct name and surname, but since that they have assumed their master's names.

Q. But the names of Washington and Alston, such like sonorous sounding names, have been very popular among them in naming themselves?—A. Yes, sir; it is quite common with them to take prominent names for their surnames.

Q. Would you be surprised at any eccentricity developed on any plantation among the negroes naming themselves?—A. Oh, no; they take very comical names sometimes also.

Cross examination by E. W. M. MACKEY, contestant:

Q. How many voting precincts were there at the election of 1878 in this county?—A. I think thirty-two (32). I am not certain, but I am under the impression there were thirty-two (32).

Q. How many managers at each precinct?—A. Three.

Q. Of the ninety-six managers that were appointed how many were you personally acquainted with?—A. I cannot tell you. I was personally acquainted with nearly all in the city and some in the county.

Q. Do you think you were personally acquainted with half?—A. Not half.

Q. How many of them did you know by reputation?—A. I cannot tell you the precise number.

Q. About how many was it less than half?—A. Something less than half. I knew some of the county managers, and nearly all in the city. I should judge altogether less than half.

Q. By whom were those managers recommended to the board of commissioners?—A. Some of them came with credentials from the ward clubs in the city, and those in the country from the Democratic clubs.

Q. Did they generally come through the Democratic executive committee?—A. Some come through the executive committee; sometimes the clubs were notified to send in the names for managers; sometimes they were directed to the executive committee and sometimes to the commissioners, and they were brought to us.

Q. Were any of the managers appointed Republicans?—A. I think not.

Q. Were any applications made to the commissioners for the appointment of Republican managers?—A. There were.

Q. And the commissioners agreed to appoint all Democrats, did they not?—A. There was no opposition made to it; that is, by vote. There was no opposition made to it.

Q. By whom were the boxes for the various precincts delivered?—A. There was generally an order or letter from somebody authorized. I do not know whether it came from the president of the club from the country that the bearer was the proper person to take the box.

Q. Were not the most of them from the country, committees belonging to the Democratic Club?—A. Most of them.

Q. You say they brought a letter from whom?—A. From the presidents of the Democratic clubs, that they were the proper person to deliver the boxes and contents, &c., to.

Q. Were you present at the joint meeting of the executive committee and the managers of election held at the headquarters of the Democratic executive committee of this city?—A. I don't think I was. The executive committee was in session before I got there; when I got there I announced to the executive committee that I would not participate with them in their meeting.

Q. Did you not, after you were appointed as commissioner, sign an address to the voters of this county?—A. Yes, sir; I did that.

Q. Don't you know that there was a joint meeting of the Democratic executive committee and the managers of election at the headquarters of the Democratic executive committee a few days before the election?—A. I heard so.

Q. Did you not testify so before the Teller committee?—A. I don't know; I was sick when I appeared before that committee, and cannot tell you what I testified to then.

Q. I desire to call your attention to the fact that in your testimony before the Teller committee, page 101, in answer to the question "Were you present at a joint meeting of the Democratic executive committee and the managers of elections a few days before the election at the Democratic headquarters in this city," you answered, "Yes, sir, there was a joint meeting of the managers, I think, of election with the committee a few days before the election at the executive chamber. I went down, having heard of it, but did not attend, as I had work to do. I did not participate in it, but I believe there was a meeting of that kind held." And further, in reply to the question, "Of the managers of election and of the executive committee of the Democratic party?" you answered thus: "Yes, sir; of the Democratic party and the managers of election; there was a call in the News and Courier to that effect, and I think that meeting answered the call. I did not attend the meeting as a member, for I went away, but I was there, however, about the time it was called to order." State whether or not you recollect anything now in regard to that meeting as testified to by you on that occasion.

(Objected to by counsel for contestee on the ground that the report of the examination before the Teller committee, not being in evidence in this case, cannot be incorporated as part of the testimony in this case.)

A. As far as my memory serves me that's about right. I have an indistinct recollection of a meeting being called, and I declined taking any part in the meeting. I was not there when the meeting was called to order.

Q. Do you know the object for which the meeting was called?—A. I don't know now.

Q. Was it not for the purpose of giving instructions to the managers

in regard to the management of the election?—A. Yes, sir; I take it that it was for that reason; I don't know what they would call one for otherwise.

Q. Were voters residing in the county of Charleston allowed to vote at any poll at which they offered to vote?—A. I presume they were, provided they were not known to have voted anywhere else.

Q. Were all these negroes from the country allowed to vote upon their taking that oath?—A. I think not; I think the managers were, in some instances, satisfied that they had voted before, and when they were satisfied that was the case, they refused them.

Q. After a certain hour in the day did not the managers absolutely refuse to allow them to vote, upon the ground that they heard that they were repeating?—A. I heard so; it did not come under my eye; I was not out after dark.

Q. You were present at the court-house poll part of the day?—A. Yes, sir.

Q. While you were there were not colored men refused the right to vote, on the ground that they did not live in ward two?—A. I don't think so; ward two was so crowded with colored people that I sent runners out to advise the business men to go to the other wards and vote, and they voted at the other wards higher up.

Q. To what political party did these people belong to whom you sent these instructions?—A. To no particular party; I sent word to the people around to go to some other ward and vote. I noticed, in one instance—a man that I watched—and it took him a half hour to get to the ballot box.

Q. Were not a number of colored people refused the privilege of voting, on the ground that they were suspicious characters?—A. There were two men that I had my eyes upon, peculiarly dressed and with peculiar hats on—one remarkably bow-legged and the other with a very uncommon hat on—voted at the court-house poll; that is, I saw them go up to the box, and they went through the motions usually made by people who vote, but I did not see the ballots put in; I kept my eye on those two men; they came out and got into the line to go to the ballot-box at the City Hall, and there they attempted to vote, and I challenged their vote, and they said they had not voted, and they were allowed to vote; there had been a great number of complaints made to me, as commissioner, that there was much repeating going on and difficulty to prove it; it was represented as being almost an impossibility to distinguish the negroes one from the other, and the idea that entered my mind when I saw these two peculiar looking men was to follow them up, and I did so, and they came around and voted at precinct one, and I had them arrested and had the case investigated; they went down somewhere to the court house and came back and voted; they had some interview with the managers; anyhow they came back and voted.

Q. After the matter was investigated they came back and voted?—A. Yes, sir; that was the only time I saw repeating.

Q. By whom was the matter investigated?—A. They went off and came back and said they got off clear.

Q. They went down Meeting street to the United States court-house?—A. I don't know where they went.

Q. Could you swear they voted twice?—A. I could not, except from what I have stated.

Q. From the fear that there would be repeating, were not a large number of colored voters rejected?—A. I cannot tell that.

Q. Was it not about eight or nine o'clock in the day when Mr. Mackey

made a complaint to you that large numbers of colored voters were being denied the right to vote?—A. It may have been, but I think it was in the afternoon. It may have been. I won't dispute it. I rather think it was. I guess it was between eight and nine o'clock.

Q. Did you communicate his complaint to the board of commissioners?—A. I think I did.

Q. Did they take any action in regard to it?—A. I don't know. How do you mean? Official action?

Q. Yes.—A. We counseled over the matter and it was understood we would go around at intervals, sometimes two of the commissioners at a time, sometimes one, and caution the managers to be cautious in what they did, and also caution them to decide fairly upon all challenges made. They said it was difficult sometimes to discover if a man had voted.

Q. You testified that a good many colored people voted the Democratic ticket?—A. I believe they did.

Q. Do you know that from facts which came within your own knowledge?—A. I saw them take calico-back tickets from the table, and I watched them, and was surprised to see them put them in the box.

Q. Most of the colored people, then, that voted the Democratic ticket voted the calico-back ticket?—A. All that I saw.

Q. Your opinion that a great many of the colored people voted the Democratic ticket was from the fact that they took the ticket from the table?—A. Yes, sir. I saw them take the tickets from the table and put them in the box.

Q. Did you see a very large number of colored people deposit the calico-back ticket in the box?—A. I am not positive about the number.

Q. About how many colored men did you see put the Democratic ticket in the ballot-box at the City Hall poll?—A. I saw a great many. I visited the other polls, and while there I saw a great many voting the calico-back Democratic ticket at the various polls. A great many colored people voted the calico-back Democratic ticket at the various precincts.

Q. Do you think you saw one hundred colored people in all vote the Democratic ticket in Charleston?—A. I think I did. I should think there was about that number, if not more, I saw myself.

Q. Do you think you saw many more than that number vote the Democratic ticket throughout the city?—A. I cannot tell you whether there were many more or not.

Q. By whom were the complaints made about wards two, four, six, and eight in regard to repeating?—A. By the managers; I don't remember the exact informers, except one, though there were numbers that reported the fact. Mr. Axson, of ward two, was one of the persons who reported about that precinct.

Q. At the time the disturbance took place at the Palmetto engine-house poll, while you were there, about how many people were in the line of voters?—A. I don't think, as near as my memory serves me, that there was any great number. They were voting slowly; there was sometimes an interval between the voting.

Q. Was the crowd at the Palmetto engine-house as large as at wards one and two?—A. Oh, no; but it was as large when the disturbance took place.

Q. Was the crowd as large at any time during the day?—A. I should judge from the way they filled the street there were about two or three hundred men around there. Both sidewalks and both doors that exit from the polls were crowded.

Q. Was that crowd as large as the crowd you saw at the court-house or city hall ?—A. I don't know that there was much difference.

Q. Was the crowd mostly white or colored ?—A. Mostly negroes, but more whites in proportion than at the lower wards.

Q. How long were you present at the Palmetto engine-house on that occasion ?—A. Perhaps three-quarters of an hour.

Q. During the time that you were there was the voting progressing very fast or very slow ?—A. Up to the time I got there the managers told me they had been voting rapidly. I might have been there a minute or two before the German came in. The row broke up the voting for a while; in a few minutes after Freeman left the voting began again and I left.

Q. At the time you left was the voting progressing slowly or rapidly ?—A. There was a line, perhaps, about twenty-five minutes long; they were all standing in line. I staid there some time after the disturbance took place. I then went up town. While I was there after the disturbance the voting went on quietly.

Q. After Freeman arrested the German, did not a row take place ?—A. It did.

Q. Are you positive in regard to seeing Freeman at the Washington engine-house between three and four o'clock that afternoon ?—A. I am.

Q. Was it not after the close of the polls ?—A. I was not there after the polls closed.

Q. Were not the Republican tissue tickets found in the ballot-boxes of the same size and printed in the same type that the regular Republican tickets were ?—A. I think they were, if my memory serves me right. I am not positive about it. I don't know that I compared them; it was the other ticket that I had reference to. The tissue tickets I don't think I compared at all.

Q. When did you first see the Democratic tissue tickets ?—A. There was a clerical error in one of the returns, and we had to open one of the boxes to correct it, and they then appeared.

Q. Did you see anybody vote them on day of election ?—A. I don't think I saw them until we opened that box.

Q. Were the Democratic colored men intimidated from voting the Democratic ticket in 1878 ?—A. I don't know that I witnessed any personal violence myself, but the colored men told me they were afraid to vote as they wanted to; there was a sort of moral effect on them that kept them from voting the Democratic ticket.

Q. Those that were afraid to vote the Democratic ticket must have voted the Republican ticket ?—A. I don't know.

Q. Do you think any large number of colored people were prevented from voting the Democratic ticket at the last election from fear ?—A. I think there was some, taking for granted what they told me was true.

Q. Were all of these negroes who came from the country allowed to vote in the city at the last election ?—A. I cannot answer that; a good many of them voted; some from St. Andrew's Parish did.

Q. Was there any polling precinct in St. Andrew's Parish ?—A. I never heard of any.

Q. As a commissioner of elections, don't you know there was none ?—A. I don't remember now.

(Objected to by counsel for contestee on the ground that the legal existence of an election precinct is a matter of statute and contestant is at liberty to exhibit the statute, but not at liberty to describe this precinct otherwise.)

Q. You say you know of a number of former Republicans who were induced to vote the Democratic ticket from their disgust with the Republican ticket; will you please name some of them?—A. I said I had reason to believe so from my conversation with some of them, though I cannot at this moment recollect but one negro by name—he is a negro that I had as cook with me aboard the steamer; he was a Republican.

Q. Do you know of any prominent Republicans who took that position?—A. I cannot remember now particularly. There are very few of the prominent colored men with whom I am acquainted.

Q. How do you know, then, that the nominations made by the Republican convention created disgust amongst the Republican voters?—I know it just the same as I know there is such a city as Pekin. They expressed themselves so to me.

Q. How many expressed themselves so to you?—A. I could not tell how many. I heard them every day. It was a universal talk with them about being disgusted with the ticket and about colored men being bought out and selling out the party; it was a common talk on the street.

Q. How do you know that the impression among the Republicans when their ticket was announced was that defeat was inevitable?—A. By the town talk by the colored Republicans as well as white; two white Republicans told me the ticket never would go down—the character of the ticket; they were disgusted with it.

Q. Who were those Republicans?—A. Charles Voigt.

Q. Who else?—A. Dr. Reentsjerna.

Q. Who else?—A. I can't remember now.

Q. Has either Mr. Voigt or Dr. Reentsjerna ever been very active Republicans?—A. I cannot tell you; I know they are active talkers. I can say so about Voigt more particularly than Dr. Reentsjerna.

Q. Did Dr. Reentsjerna or Mr. Voigt make any objections to the Republican nomination for Congressman?—A. I cannot say they did. Only one of them was present when I had any conversation with them.

Q. Was the dissatisfaction you heard among Republicans on account of the Republican nomination for Congressman?—A. No; it was about the ticket at large.

Q. Were not those expressions of disgust confined to one or two men on that ticket?—A. I cannot answer that; I know there were some of them that were disgusted with certain names on the ticket; the majority of the ticket was what they termed scurrilous, and not representative men of the party; that was the impression made upon me.

Q. Was the Democratic ticket perfectly satisfactory to all the people in the city?—A. I have heard people make objections to that also; I don't think I ever voted a ticket in my life as a whole.

Redirect examination by G. R. WALKER, counsel for contestee:

Q. Was not the Democratic ticket an exceptionally good ticket?—A. I don't know; I could not swallow that altogether; it was the best ticket I had seen for a good many years.

Q. (Handing a Republican ticket.) Now, look at that; outside of the few Democrats who refused to serve, was not the Republican ticket, with few exceptions, exceptionally a bad ticket?—A. I don't know anything about that, only from what I have heard from Republicans speaking about the ticket. With the exception of those recited by you, the ticket was regarded generally as a very bad ticket.

C. CARROL WHITE.

Sworn to before me this 24th day of September, 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

Deposition of C. A. Aimar (white).

CHARLESTON, September 24, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

C. A. AUMAR (white), a witness of legal age, produced by contestee upon due notice to the contestant, deposes as follows in reference to questions propounded by contestee :

Question. State your age, residence, and occupation.—Answer. My age is thirty-five ; residence, Charleston ; occupation, accountant.

Q. Live in Charleston all your life ?—A. Born and raised here, with the exception of a few years I have been travelling around.

Q. Did you hold any office in the election of 1878 ?—A. I was manager of election at Market Hall voting precinct, ward three.

Q. Who were your associates on the board of managers ?—A. T. J. Lyons and Thomas Baker.

Q. Who was chairman of the board ?—A. I was.

Q. You received your ballot-box, instructions, and poll-list for conducting the election ?—A. Yes, sir ; I received all my instructions and poll-lists in my ballot-box—candle, red tape, and all included.

Q. You read your instructions to the board ?—A. I did ; and swore them, as chairman.

Q. Who was your clerk ?—A. Mr. John Maher.

Q. Who were the supervisors, I mean the United States supervisors, there ?—A. The supervisors were Mr. R. S. Long and W. G. Fields.

Q. One Democratic and one Republican ?—A. Yes, sir.

Q. Were there any United States deputy marshals there ?—A. There were several.

Q. Some Republican, some Democratic ?—A. No; no Democratic. I saw two deputy marshals there; T. H. Jones and R. W. Turner, Republican.

Q. When did you open the polls ?—A. Six o'clock exactly.

Q. Did any one object to the time of your opening the polls ?—A. No, sir.

Q. No complaint made of its being opened too soon or too late ?—A. No, sir.

Q. Did you expose your ballot-box ?—A. We did.

Q. With the lid open ?—A. With the lid open.

Q. And closed it openly before receiving ballots ?—A. We did ; in front, in view of everybody.

Q. Were the table-keepers there early in the morning ?—A. The table-keepers were there.

Q. How many tables were there ?—A. As near as my memory serves me, there were two.

Q. One on either end of the door ?—A. Yes, sir.

Q. At the head of each flight of steps ?—A. Yes, sir.

Q. One step held by the Democrats and one by the Republicans?—
A. As near as my memory serves me, that's so.

Q. What tickets were on these tables?—A. On the Democratic table the plain Democratic tickets; on the Republican table the plain Republican tickets. Some parties on the outside had these tissue tickets; none that I saw were on the table.

Q. On the Republican table there were no Republican tissue tickets?—
A. I never saw one until I saw one here to-day.

Q. Were any complaints made to you during the day of illegal voting?—A. The only complaint that I had made to me was made by Jones. During the day, as chairman of the board, I refused to allow several parties from Summerville to vote there. Jones's complaint was in regard to my refusing to allow these men from Summerville to vote, they being residents of Summerville and having a polling precinct between Summerville and Charleston. He made some exceptions to the same. Shortly afterwards I refused to allow a white man from Summerville to vote, Mr. J. W. Angel, a well-known resident of Charleston, but residing in Summerville. I told Jones I did not intend to allow any one outside of the limits of the city to vote when there was a polling precinct to vote at nearer to them than Market Hall. He said that it was perfectly satisfactory, that I had refused about an equal number of white and colored voters. He took a tally on a slip of paper of whites and colored that voted there.

Q. The persons whose votes were refused were from Summerville?—
A. They were from Summerville.

Q. Is not Summerville part in Charleston and part in Colleton Counties?—A. I don't know the topography of Summerville. I know this, there was a polling precinct between Summerville and Charleston.

Q. Did not your instructions require you to receive the votes of all persons residing in the county?—A. As near as I can recollect, they did. My instructions were to take the votes of all parties that reside in Charleston County. My instructions were contained in a printed form that I found in the box.

Q. Did you refuse the vote of any person offering to vote at your poll except for cause shown that he was not a qualified voter according to the printed instructions furnished you?—A. I did not.

Q. How many votes were refused there that day?—A. As near as my memory serves me, there must have been between thirty-five and forty.

Q. Were they all colored?—A. They were about equally proportioned.

Q. Did you know their politics?—A. I did not ask them. I refused white and black alike.

Q. Who kept the poll-list?—A. My clerk, Mr. Maher.

Q. Any one else kept the poll-list?—A. The poll-list was kept by the managers when he went off.

Q. Did any body else keep a poll-list there?—A. Mr. W. G. Fields kept a poll-list also.

Q. Was he constantly there, or did he absent himself at all?—A. He did absent himself on several occasions.

Q. Was his absence long?—A. Not more than five or ten minutes at a time.

Q. Did he take his poll-list with him when he absented himself?—A. He did.

Q. He did not leave any one to keep it up for him?—A. He wanted to turn it over to one of the deputy United States marshals, and we objected.

Q. Did he compare his poll-list with the poll-list kept by the managers?—A. He said he lost his poll-list between twelve o'clock and one o'clock, as near as my memory serves me.

Q. What did he do then?—A. He did nothing; just sat down and looked on.

Q. Lost his poll-list between twelve and one?—A. Yes, sir; as near as my memory serves me.

Q. Did the Democratic supervisor keep a poll-list?—A. He did not; finding that the Republican supervisor kept a poll-list he was perfectly satisfied with the two—the Democratic manager's and the Republican supervisor's.

Q. Did the managers interfere at all with the deputy marshals or supervisor?—A. They did not.

Q. Did they have free access to any portion of the poll during the day?—A. The supervisors did, but the deputy marshals did not; they stood about, one on one side the ballot-box and one on the other.

Q. Did they make any complaint to you on day of election?—A. The supervisor? No, sir.

Q. Did any of the candidates on the Republican ticket make any complaints to you on the day of election?—A. They did not. I would not have known them if I had seen them.

Q. Was everything conducted orderly at that poll?—A. Very orderly. We did not have a rumpus or row there that day.

Q. Who were the rallyers for the two parties there?—A. As near as my memory serves me, there were none there at all.

Q. Were there not parties there who were handing out tickets to the voters as they came up to vote?—A. If there were I did not see them.

Q. Did you see Mr. Quackenbush there?—A. I did.

Q. Was he not there all day?—A. He was there pretty nearly all day.

Q. Were there not votes cast at your poll by citizens from various portions of the city?—A. We received about two-thirds of the white votes of wards one and two; also from wards four and six.

Q. Did you not see a good many small tickets, commonly known as tissue tickets, voted at your poll?—A. Any quantity of them, and voted openly.

Q. Were they voted by our most substantial citizens?—A. They were.

Q. Were there any voted by the colored people that voted at that ward?—A. Great many.

Q. Did not the Democrats concentrate largely in casting their votes at this poll?—A. They did.

Q. Were the Republicans active in their efforts to carry that poll?—A. They were very inactive.

Q. Do you know, or were you told by those who came from other wards of the city to vote at this poll, that the other wards of the city were crowded by colored people?—A. They told me so in almost every instance, and said that was the reason they voted at our polling precinct.

Q. Did the voters cast their votes openly, holding them in their hands, or simply came up and slipped them into the ballot-box?—A. In most instances openly.

Q. Were the ballots folded or unfolded that were cast?—A. The large tickets were folded and the tissue tickets were voted unfolded.

Q. No complaint or objections were made pending the voting by any of the officials present or any persons in the interest of either of the parties?—A. The question was asked me a few minutes before the closing of the polls, by Deputy Marshal Jones, whether the marshals

would be allowed inside to see the count ; acting upon instructions, I told him they would not, but that the votes would be counted in public and that the supervisors could stand around the ballot-box and see a fair count. We counted the votes within ten feet of the public, with the two supervisors alongside.

Q. Overlooking you ?—A. Yes, sir ; overlooking us.

Q. Did any of the deputy marshals insist upon going in behind your quarters or behind the barricade ?—A. After I made known my decision they remained outside.

Q. Were there any other persons at the counting of the votes ?—A. There were ; the two supervisors, the three managers, and the crowd outside.

Q. Could the crowd outside see what was going on ?—A. They could ; the doors were all open and the gas burning brightly.

Q. The door in front of the entrance to the hall ?—A. Yes, sir ; the door in front of the entrance to the hall.

Q. Did you close the poll punctually at six o'clock ?—A. We did, punctually at six o'clock.

Q. Did you swear the voters ?—A. I swore them singly ; that is, I did as long as I was there. I did most of the swearing all day.

Q. Did you do it rapidly ?—A. Very rapidly ; about six to seven a minute.

Q. When you were counting the ballots, did these supervisors make any complaints ?—A. None whatever.

Q. Neither the Republican or Democratic supervisors ?—A. Neither.

Q. How long were you canvassing the votes ?—A. We got through about eleven o'clock.

Q. The supervisors there all the time ?—A. The supervisors remained there until the box was sealed up.

Q. And returned to the commissioners ?—A. Yes, sir.

Q. Did you return the box to the commissioners ?—A. We went down in a body and returned it.

Q. Did you compare the number of votes in the ballot-box with the number of names on the poll-list ?—A. After we got through counting the votes we compared the number of votes in the ballot-box with the number of names on the poll-list.

Q. Did the number of votes in the ballot-box exceed the number of names on the polls ?—A. As near as my memory serves me, there were one or two in excess.

Q. There were some in excess ?—A. One or two.

Q. Did you find in the ballot-box a number of ballots in which there were folded other small ballots ?—A. I think we found three or four.

Q. What did you do with those ?—A. We destroyed them.

Q. Who kept tally in calling off the list of candidates ?—A. The two supervisors were standing there, and the clerk was standing there ; the clerk was the one that did it. We took out first all the straight tickets ; that is, the Democratic tickets first, then the Republican tickets, and then the cut tickets, and we made three piles of them.

Q. Did you eject the deputy marshal from your hall that day ?—A. We did not.

Q. When you refused the deputy marshals from coming inside your barrier, it was in pursuance of instructions you received that they were not entitled to come inside your barrier ?—A. We took the ground that the deputy marshals were there to see that no one was interfered with in his right of voting, but that after the poll closed that they were no more than private citizens and had no right inside. After the poll

closed we allowed the supervisors inside to see the count, but we looked upon the deputy marshals as private citizens after they had fulfilled their duty.

Q. Everything was conducted fairly?—A. Everything was conducted fairly and squarely.

Q. Did a number of strange persons vote at that poll that day?—A. Very few.

Q. You did not know every voter there?—A. I flatter myself that I know three-fourths of the respectable portion of the population of Charleston; the colored voters were very few, and those were the only ones that I would have to ask their names.

Q. The colored people did not crowd that poll as they did the other polls of the city?—A. It was almost free from colored voters or colored people.

Q. Did you take an active part at all in the campaign?—A. How do you mean?

Q. I mean in the campaign prior to the day of election?—A. I did not.

Q. Nearly all the tickets voted at that poll were Democratic tickets, were they not?—A. Nearly all; there were very few Republican tickets.

Q. Did you not see Mr. Quackenbush distributing these small tickets there that day?—A. I did.

Q. You know the names of some of our prominent citizens that voted there that day?—A. F. I. Pelzer, S. D. Stoney, and some others whose names I do not recollect now.

Q. Did you see Col. Wagner there?—A. Yes, sir; Col. T. D. Wagner.

Q. Several clergymen voted there, did they not?—A. Yes, sir.

Q. Did they vote the thin tickets?—A. They voted the thin ticket.

Q. Col. Gaillard vote there?—A. Yes, sir.

Q. Did he vote a thin ticket?—A. Yes, sir; he voted a thin ticket. Most of them stated that the reason they came there to vote was that they heard the Market Hall precinct was very quiet and free from interruption or row.

Q. Was there great assurance among the Democrats as to their triumph in the election?—A. We had no doubt of it.

Q. Was the Republican party as united and disciplined as they had been in previous elections?—A. I did not think so.

Q. Did you hear much comment made upon the Republican nominations that took place in State street?—A. I heard a great many comments that took place on both sides.

Q. Denunciatory of the candidates?—A. Yes, sir.

Q. Did you hear unfavorable comments made about the ticket from the Republicans?—A. I have had little or nothing to do with the Republicans, except on business matters, since 1865; therefore I am not qualified to answer that question.

Cross-examination by E. W. M. MACKEY, contestant:

Q. To what political party did the managers of elections at Market Hall precinct belong?—A. To the Democratic party.

Q. All of them?—A. Yes, sir.

Q. Was your clerk a Democrat or Republican?—A. He was a Democrat.

Q. For whom did you vote for member of Congress?—A. For Mr. M. P. O'Connor.

Q. Do you know for whom the other managers voted?—A. I cannot say positively.

Q. Did you attend a meeting of the presidents of the Democratic

ward organizations and the chairmen of the working committees and managers of elections in the city of Charleston at the Democratic headquarters?—A. To the best of my belief and knowledge I did not know there was such a meeting.

Q. Did you see a call in the News and Courier of November 2d for such a meeting?—A. I cannot say just now.

Q. Did you attend a meeting of the chairmen of the managers and the working committees of the several wards at the rooms of the Democratic executive committee?—A. I don't recollect whether I did or not.

Q. Do you know whether or not there was such a meeting?—A. I cannot say.

Q. Examine this advertisement in the News and Courier of November 2d, and see if you ever attended such a meeting.

(The News & Courier of Saturday, November 2d, 1878, containing the following advertisement, handed to witness:

"The presidents of the wards, city managers of election, and chairmen of working committees are requested to meet at 32 Broad street this evening at seven o'clock

"J. ANCERUM SIMONS,
"Secretary Executive Committee.")

A. I may have, but cannot say, it is so long since.

Q. Examine this advertisement and see if you ever attended this meeting.

(Contestant hands witness Charleston News and Courier of November 4th, 1878, containing advertisement as follows:

"Democratic executive committee of Charleston County.

"The chairmen of the managers and working committees of the several wards are requested to meet at the executive committee room this evening at six o'clock, on business of importance.

"J. ANCERUM SIMONS,
"Secretary."

A. I presume I did.

Q. What was the object of that meeting?—A. It has been so long ago I cannot say.

Q. Was not that meeting for the purpose of completing an understanding between the managers of elections and the working committees of the several wards of the Democratic party?—A. As I said before, it has been so long I cannot remember.

Q. Mr. J. Ancrum Simons was the secretary of the Democratic executive committee?—A. He was.

Q. The headquarters of the Democratic executive committee were at thirty-two (32) Broad street?—A. Yes, sir.

Q. Did you, as chairman of the board of managers, receive any other instructions from the commissioners of elections in regard to the management of the election and qualification of voters besides the printed one?—A. I did not.

Q. Did not the board of managers, of which you were a member, lay down the rule that no one living outside of the limits of the city of Charleston should be allowed to vote at the Market Hall precinct?—A. I think we did.

Q. Did not the board decide that voters from the parish of St. An-

drew's had no right to vote at the Market Hall?—A. We did not take that under consideration at all.

Q. What was the general rule adopted by you in regard to voters outside of the city?—A. We only refused parties to vote when we came to voters living at Summerville.

Q. Did any person living in St. Andrew's Parish vote at your precinct?—A. I don't think any one offered to vote there.

Q. Were voters from the parish of St. James Goose Creek, allowed to vote at your polls?—A. We never had any one to apply.

Q. Under whose instructions did you refuse to allow persons living outside of the city of Charleston to vote at the Market Hall precinct?—A. As I said before, the only parties that we refused resided in Summerville; not knowing whether Summerville was in Charleston County or Colleton County, or both, we rejected both whites and colored alike.

Q. Were all of the thirty-five or forty persons rejected at your poll persons residing at Summerville?—A. They were.

Q. Will you please explain that portion of your direct testimony in which you stated you told T. H. Jones that you did not intend to allow any one outside of the city limits where there was a polling precinct to vote at Market Hall?—A. I cannot state just now how we arrived at that decision.

Q. Was it in accordance with any instructions you had received from the commissioners of election?—A. It was not.

Q. Was it in accordance with any instructions you received from the Democratic executive committee?—A. I cannot say positively.

Q. Was not word sent to you from the Democratic executive committee that voters living outside of the limits of the city of Charleston were not entitled to vote at that poll?—A. We had no communication whatsoever with the executive committee that day.

Q. Either directly or indirectly?—A. As near as my memory serves me.

Q. How do you know it was exactly six o'clock when the polls opened?—A. By the watches of parties there.

Q. By whose watches?—A. Mr. T. J. Lyons' watch, Mr. Long's watch and our clerk, Mr. Maher's.

Q. Had you heard St. Michael's clock strike six when your poll was opened?—A. I cannot say anything about the city clock; every one of them had had his watch compared with the city clock or post-office.

Q. How do you know that these watches tallied with the post-office or city clock?—A. I presumed they did.

Q. That is only your opinion then?—A. That is only my opinion. It was not my own watch, but I suppose every man that keeps a watch wants to keep the correct time.

Q. You had no watch of your own?—A. I did not.

Q. When the polls were opened and the ballot-box exhibited who were present?—A. A good many parties.

Q. Was Fields, the Republican supervisor, present at that time?—A. He was not.

Q. Were either Jones or Turner, the deputy marshals, present?—A. Both were present.

Q. When Fields arrived did he not claim that the city clock had not yet struck six, and that the polls had been opened too early?—A. Not that I know of.

Q. Did he not demand the right of inspecting the ballot-box?—A. He may have said something of that kind.

Q. Are you sure Jones and Turner were present when you declared the polls were opened?—A. To the best of my belief and knowledge, they were.

Q. Did not they arrive afterwards?—A. I don't think so.

Q. Did not Jones protest against the polls being opened before the hour of six?—A. I heard no protest made by any one about the opening of the polls.

Q. Can you name any Republicans who were there when the polls were opened and the ballot-box exhibited as you stated?—A. It strikes me very forcibly that both Jones and Turner were present.

Q. Any others besides those?—A. It strikes me there were others, but I don't know their names.

Q. By whom was the managers' poll-list kept at your precinct?—A. By Mr. J. F. Maher.

Q. Your clerk?—A. Our clerk.

Q. By whom was he assisted in keeping that poll-list?—A. By one of the managers.

Q. Which one?—A. I think we took turns at it.

Q. How often during the day did Mr. Maher absent himself?—A. Once or twice.

Q. For what length of time?—A. For five or ten minutes.

Q. With the exception of those three or four times of five or ten minutes each, did any other persons participate in keeping the poll-list besides the managers?—A. They did not.

Q. During those several occasions on which Mr. Maher was absent, did a very large number of persons vote?—A. I don't recollect that now.

Q. What time in the day did Mr. Maher first absent himself?—A. I don't recollect.

Q. Who began the keeping of your poll-list?—A. Mr. Maher.

Q. As soon as the polls were opened did Mr. Maher start to enter the names of the persons that had voted?—A. He did.

Q. And the first names entered thereon were entered by Mr. Maher?—Yes, sir.

Q. Do you recollect how long he kept at it without stopping?—A. As I said just now, I don't recollect when he left the first time.

Q. Did he leave any time during the first two or three hours?—A. I don't think he left before ten o'clock, but I cannot say positively, as I do not recollect.

Q. Was there any arrangement by which Mr. Maher should keep one sheet of the poll-list, and some other person another?—A. Not as I know of.

Q. Who was keeping the poll-list at the close of the polls?—A. I think the clerk.

Q. About how many names do you think were entered on this poll-list by the several managers on the different occasions that Mr. Maher was absent?—A. That is impossible for me to say.

Q. How many times during the day did you participate in keeping that poll-list?—A. Two or three times, I suppose.

Q. Do you think that during those two or three times you entered fifty or sixty names?—A. I should say more than that.

Q. Do you think it was above one hundred?—A. That I cannot say.

Q. You stated, on your direct examination, that the voting was very rapid early in the morning?—A. Yes, sir; from half past six until about half past ten.

Q. How was it later?—A. It was slackening up; not such a crowd; we were tolerably busy all day.

Q. What class of people principally voted at your poll?—A. Principally whites.

Q. Were not nearly nine tenths of those that voted at your poll whites?—A. I don't think as large as that; I don't think as large a proportion as that.

Q. About what proportion?—A. I might say about from seven to eight-tenths.

Q. About how many people voted at your poll during that day?—A. I cannot say positively.

Q. Do you recollect what was the returns of the votes at that poll?—A. I could not say.

Q. Did your returns state that 1,989 votes had been cast at that poll?—A. I don't recollect.

Q. From the best of your recollection, was that not very near the number?—A. Somewheres in that neighborhood, I presume.

Q. The white people who voted at your poll were principally business men, were they not?—A. Business men and laboring men; every class of people voted there.

Q. I think you stated on your direct examination that you knew nearly every white man that voted at your poll?—A. Pretty much.

Q. So that white men voting at your polls were generally well known in this city?—A. They were.

Q. And all the colored people that voted at your poll were residents of this city?—A. They were, to the best of my belief and knowledge.

Q. You did not allow anybody outside of the city to vote at your poll?—A. No; because no one outside of the limits of the city of Charleston offered to vote there except those, as I stated before, from Summerville, whom I did not allow to vote.

Q. Will you examine this list of names and see if you recognize amongst them the names of any of the residents of the city of Charleston?

(List of names were here handed to witness and afterwards put in evidence, and are as follows: Mark M. Dotridge, R. C. Clarkson, John A. Leonard, J. M. Parsons, Ehrich C. Blinkey, David A. Trumbull, And. K. Van Coit, Cæsar Jones, Isaac M. Gailliard, William M. Forbes, Henry D. Somers, Charles Johnson, R. L. Cettnitt, McFarland Smith, Hugh H. Hanson, John R. Young, Peter M. Blue, D. M. Raslet, Charlie R. Silver, Jack Ashton, Henry Dodgersar, Joseph A. Lovitt, Billie Balltar, Charles Mikell, John R. Townsend, Jack M. Smith, Carter R. Harrison, Jack Salterfield, Thee Simonton, R. L. Carlton.)

A. There is only one that I see that I know personally, Charles Johnson.

Q. Who is Charles Johnson?—A. He at one time kept a hat store on King street.

Q. Did he vote at your poll?—A. I cannot recollect every one that voted there.

Q. Examine this list more carefully again, and see if you recognize the names of any of the residents of Charleston, even if you are not acquainted with them?—A. The only one I recognize is Charles Johnson.

Q. Is Charles Johnson the only one you recognize?—A. Yes, sir; the only one I know.

Q. Have you ever heard of such a person in the city of Charleston as Mark M. Dotridge?—A. I have not.

Q. Have you ever heard of anybody in the city of Charleston by the
H. Mis. 40—60

name of Carter R. Harrison?—A. I know very few colored people, and these may be colored names that I don't know.

Q. The colored people that voted at your poll, did they all vote at one and the same time or come up singly?—A. Sometimes there would be a whole string—fifteen or twenty.

Q. How often did that occur that they voted in strings of fifteen or twenty?—A. I cannot say.

Q. Do you think it occurred two or three times during the day?—A. I cannot say; perhaps more than that.

Q. Do you think five hundred colored people in all voted at your poll? I should think they did; we did not keep them separate.

Q. Then the number of colored votes were nearly one third of those who voted there?—A. I could not say positively; it is only an estimate that I am giving you.

Q. Do you think they voted at any time in strings of fifty or more?—A. I do not recollect.

Q. Examine this list of names and see if you recognize the names of any persons who are residents of the city of Charleston?—A. I remember a man by the name of Trouter in Charleston, whether his name is George or not I do not know; I also know a man by the name of Giles, whether it is Frank or not I cannot say; there are several Inglasses in town, whether with these Christian names or not I don't know. There are also Dennisons, Gourdins, Dunns, and Longs, but whether with these Christian names or not I do not know; there are also Cunningshams, but whether with these Christian names or not I do not know.

Q. Just state the name of any particular person on that list you know either personally or by reputation.—A. I can tell you the names of some of the parties, but what their Christian names are I do not know.

The list of names referred to was here put in evidence and is as follows:

Henry Duplin	Tony Macpherson	Frank Damon
Jno. Harris	Hy Corbett	Jim Ravenel
Abe Thompson	George Baker	Tom King
James Anderson	Frank Giles	Henry Long
Frank Drury	Andy Goodlove	Henry Chapman
Joe Jenkins	Jno. Simpson	Jack Cunningham
Thos. Oliver	Chas. Knight	Jno. Knabe
Jim Collins	Sam. Truelove	Paul Walker
Andy Tolbert	Prince Farnum	John Lighthead
Cato Fenton	John Erwin	Toby Radcliffe
Paul Whitehead	Jack Willis	Con. Dennisou
Henry Blackman	John Smith	Fred James
Chas. Stephenson	Peter Ames	Henry Lynch
George Howell	Pat Grainger	Joe Barber
Jas. Colburu	Ewd. McIntyre	Jno. Laurence
Andy Saxon	George Inglass	Paul L. Cameron
Toby Andrews	Cato Babcock	Toney Lemon
Frank Holliston	Chas. Holmes	Jas. T. Johnson
Jno. Brookfield	Hugh Gibson	Gaby Mansfield
George Trouter	Sam. Gourdin	Alf. Tarrent
James Gordon	Jack Comstock	Mike Harley
Thos. Crossland	Jim Judkins	Jim Lacoster.
Frank Markham	Joe Carlin	
Jack Chesterman	Pat Dunn	

Q. Do you know how many white voters reside in ward two of the city of Charleston ?—A. I do not.

Q. Do you know how many white voters reside in ward one of the city of Charleston ?—A. I do not.

Q. From what did you derive your knowledge, then, when you say that two-thirds of the white voters from those wards voted at your poll ?—A. Because I heard others say so.

Q. About how many white voters from ward two voted at your polls ?—A. I do not know.

Q. How many from ward one ?—A. I give you the same answer.

Q. Have you any idea of how many white voters are in wards four and six ?—A. I have not.

Q. Have you any idea what number of votes you received from wards four and six ?—A. No, I have not.

Q. Well, when you stated that two-thirds of the white voters of wards one and two voted at your poll, it was a mere form of expression without any actual reference to the numbers ?—A. Exactly.

Q. It may have been much less than that from what you know ?—A. It may have been.

Q. You have already stated that you saw no Republican tissue tickets in your box.—A. I did not.

Q. The only kind of tissue ticket found in that box were Democratic tissue tickets with the name of Mr. O'Connor on them for Congress ?—A. Yes, sir.

Q. You stated that you refused certain voters from Summerville to vote at your precinct because there was a poll between city of Charleston and Summerville ?—A. Yes, sir.

Q. Now, state the name of that poll.—A. I think there was a poll in Summerville proper, and I was told there was another poll between Summerville and Charleston.

Q. From whom did you get that information that there was another poll between Summerville and Charleston ?—A. I do not recollect.

Q. Now as a matter of fact is there a poll between Summerville and Charleston ?—A. I do not know.

Q. You stated in your direct examination that very few strange persons voted at your poll during that day.—A. So far as whites are concerned ; that is what I meant.

Q. What kind of tickets were generally voted by the voters at your poll ?—A. Tissue.

Q. You stated that the Democrats had no doubt of their triumph in the election ; upon what do you base your opinion ?—A. Upon other parties' opinions and the newspapers.

Q. You then got your opinion from the newspapers ?—A. From the newspapers and general talk.

Q. Amongst your friends ?—A. Yes, sir ; and general talk.

Q. Did you converse with any Republicans ?—A. Very few, if any.

Q. So that your opinion that the Democrats would triumph was based on Democratic sources alone ?—A. Exactly.

Q. When you say the Republican party was not as united and as disciplined as it was in previous elections, do you base that opinion upon actual knowledge of the Republican organization ?—A. No ; I do not.

Q. As I understand you, you had very little to do with the campaign preceding the election ?—A. Very little.

Q. Took no active part in it ?—A. I may have attended one or two ward meetings.

Q. From whom did you hear any comments denunciatory of the Republican ticket?—A. I could not say positively now.

Q. Were not those comments made by Democrats?—A. I think so, in most instances. I heard comments made by Tim Hurley.

Q. When Supervisor Fields desired to turn his poll-list over to one of the deputy marshals, why did the managers object?—A. We had no very special reason to give. We only decided so; in other words, we objected to have this done. We objected to allow any one else inside the polling precinct to take his place. He turned it over on one or two occasions to Jones, who kept the poll-list outside, about two or three feet from the box.

Q. By whose instructions were the deputy marshals kept from having free access to the polls, or prevented from going behind or within the inclosure where the poll was held?—A. By our own construction of our duties.

Q. Did you not receive instructions to that effect from the Democratic executive committee?—A. Not that I am aware of.

Q. At the close of the poll, when the votes were about to be canvassed, how far back into the hall did you remove the ballot-box from where it was standing during the day?—A. About ten feet.

Q. Were the doors left open?—A. They were left open.

Q. Were not policemen stationed on each side of that door, with instructions to admit no one?—A. That I don't recollect.

Q. Was not some one stationed there to prevent strangers from entering?—A. We had a barricade there for that purpose. We took one of the tables and made a barricade to the door of the Market hall.

Q. When you began the counting of the votes, who were present in the hall?—A. The three managers, the clerk, and the two supervisors.

Q. Five Democrats and one Republican?—A. I suppose so.

Q. During the canvass of the votes were not other citizens admitted into the room?—A. I believe they were.

Q. Were not all of those admitted Democrats?—A. They were not.

Q. Name some Republicans that were admitted.—A. I don't recollect now any one except Tim Hurley who was in there.

Q. What time did you begin the canvass of the votes?—A. About five minutes after the polls were closed, and the polls closed about six o'clock.

Q. When did you complete the canvassing of the votes and the making out of your returns?—A. Somewhere in the neighborhood of eleven o'clock; maybe a little later.

Q. You counted the votes, made your returns, and sealed up the ballot-box, and then took it down to the commissioners?—A. We did.

Q. About what time was it when you completed everything?—A. About half past eleven o'clock.

Q. What became of your poll-list?—A. The poll-list was placed inside of the box.

Q. Inside the ballot-box?—A. Yes, sir.

Q. Sealed up?—A. Yes, sir.

Q. And delivered to the commissioners?—A. Yes, sir.

Q. Were you furnished by the commissioners with the necessary blanks upon which to keep your poll-list?—A. We were.

Q. When you received those blanks were they put together with a brass tag or fastened together in any other way, or were they loose?—A. I don't recollect.

Q. Was your entire poll-list written upon the blanks that they furnished ?—A. I don't recollect.

Q. At the close of the polls describe how you proceeded to canvass the votes ?—A. We took out the tickets as they come out of the box and placed all straight Democratic tickets in one pile, the Republican tickets in another pile, and the cut tickets in another pile.

Q. After you made this assortment what did you do ?—A. We then counted them.

Q. Counted them for what purpose ?—A. For the purpose of ascertaining the number of votes that each candidate had received.

Q. Before counting them for the purpose of ascertaining the number of votes that each candidate received, did you first count them to ascertain the whole number of votes that were in the ballot-box, or did you count them and ascertain that fact afterwards ?—A. It strikes me we counted the votes first to ascertain the number of ballots in the ballot-box.

Q. If that you are not certain ?—A. It strikes me forcibly that we did.

Q. Did you not ascertain the whole number of votes in the ballot-box by adding together the votes received by each candidate ?—A. It strikes me very forcibly that our instructions were in a printed circular, and we carried out those instructions to the letter.

Q. After you counted the whole number of votes in the ballot-box as stated, how did that number compare with the number of names on the poll-list ?—A. As near as my memory serves me there was a discrepancy of one or two.

Q. How did you know how many names were on your poll-list ?—A. By adding them up.

Q. Were the names on your poll-list numbered ?—A. I don't recollect.

Q. Have you ever been a manager at any previous election ?—A. I was.

Q. Has it not been the custom to number the names of the voters on the poll-list as the election proceeded and the names were recorded ?—I don't think so.

Q. Were the names on your poll-list ever numbered ?—A. Not as I know of.

Q. When you counted the number of names on your poll-list did they correspond with the ballots in the ballot-box ?—A. With the exception of one or two.

Q. Well, what did you do with the excess ?—A. We threw the whole of the tickets back into the box and drew out two, either one or two. It was either one or two, I don't know which ; I am not positive.

Q. Have you ever compared or examined your poll-list since the election to ascertain whether or not there were not fewer names on the poll-list than ballots returned as cast ?—A. I never saw the poll-list from that day to this.

Q. Was there any time during the day when a voter could not vote at your poll with perfect ease ?—A. There was not.

Q. Persons offering to vote at your poll were not annoyed by being detained or crowded or interrupted in any way ?—A. They were not.

Q. During the day all that a man had to do was to walk up, have the oath administered to him, and vote ?—A. Yes, sir.

Q. People were not kept waiting on one another ?—A. They voted just as rapidly as we could swear them.

Q. Was it because there was so little crowding at your poll that the

voters from the other wards came there to vote?—A. That was the reason; because the polls were not blocked.

Q. As the voters would vote they would quietly pass out; they did not lounge around the polls as they did at the other polls?—A. No, sir.

Q. Were there any scratched tickets in your box?—A. I don't recollect now.

Redirect examination by M. P. O'CONNOR, contestee:

Q. Did you receive any instructions to guide you in the conduct of the election except the printed instructions that came with the box?—A. We did not.

Q. You concluded, after reading your instructions and such other papers as were committed to you for your guidance, that it was your province to exclude from behind the poll, which was occupied by the managers, the deputy marshals, and all other persons?

A. We did, sir.

(Objected to by contestant as leading.)

Q. When you objected to Mr. Jones, the Republican marshal, going behind the poll where the box was placed, did you do so with any view of preventing him from seeing that you conducted the election in a fair and impartial manner?

(Objected to by contestant as leading.)

A. Our objection was that we did not wish any one behind—any one except the supervisors. Mr. Jones and Mr. Turner were within two feet of us all day.

Q. And from their position could see all that transpired?—A. Yes, sir.

Q. Was Jones a colored Republican?—A. He was.

Q. Was Fields, the Republican supervisor, a colored Republican?—A. He was.

Q. When you say that you knew a number of the colored voters that presented themselves to vote at that poll on that day, did you mean to say that you knew them by name, or simply recognized their faces as voters that you had seen before?—A. In a great many instances I did not know them at all; in many instances I did not know their names, but knew faces very well.

Q. You would not undertake to give from recollection the name of one-tenth of the colored people that came before you that day, but the faces were the faces of those that you had seen before?

(Objected to by contestant as leading.)

A. I would not.

Q. You do not profess in giving your estimate as to the number of citizens of other wards that voted at the Market Hall precinct, at which you were a manager, or the number of colored people that voted there, to be accurate and definite in the estimate you made?—A. I would not.

Q. In your observation of what took place at your poll—that is, of the facts that presented themselves to your attention, that were presented in a continuous manner—at times your attention would be called to one thing and at another time to another?

(Objected to by contestant as leading.)

A. It is so.

Q. You saw them when they came up in the strings of twenty; there was about that number in the line at a time?—A. About that many.

Q. But there was no impediment in their coming up in strings of twenty, in succession, and voting?—A. None at all.

Q. When you swore the voters as they were coming up in line, did you swear them rapidly?—A. Very rapidly.

Q. Are you satisfied that you could swear and vote six voters in a minute?—A. Provided I had a proper man to call out; no trouble about it.

Q. Did you count the number and pages of blank poll-list sent you?—A. I did not.

Q. And cannot say how many were sent you?—A. No, sir.

Q. And you cannot say whether the supply was adequate to take down the name of every voter that voted at that poll?—A. I could not say.

Q. If Jones, the deputy marshal, whom you denied to come behind the barrier or within the poll, if he had remained in the position where he stood all day during the reception of the votes, could he from that position have noticed any unfairness on the part of the managers in the counting and canvass of the vote?—A. He could very easily.

Q. Was there a bright light in the room, and if he had remained in that position could he have seen everything that took place?—A. Very easily.

Q. When you denied him that admission did he complain that he was denied it that you might take any undue advantage of the party which he represented?

(Objected to by contestant as not in reply and leading.)

A. He did not.

Q. You did not know definitely the boundaries of Charleston County?—A. I did not.

Q. You did not look and fix in your mind where all the precincts were in the county before you entered upon the discharge of your duties?—A. I did not.

Q. Were not these thirty five voters, white and colored, from Summerville that were denied the right of voting—were they not denied because they were living outside the county?—A. Yes, sir; because they were living outside the county.

Q. You obeyed and carried out instructions you received regarding the discharge of your office to the best of your ability and your understanding?—A. We did.

Q. You were a good deal about the city of Charleston and in conversation with various persons of the different political parties prior to the election about the result of the campaign?

(Objected to by contestant as leading.)

A. I was but with very few Republicans.

Q. Was the universal impression, as far as you could gather prior to the election, that the Democratic ticket would be triumphant?—A. It was.

Q. When you stated that you did not think the Republican organization as well united and disciplined in 1878 as in previous campaigns, you derive your opinion from political observations?

(Objected to by contestant as leading.)

A. I derive my opinion from political observations and from the opinions of others.

Q. Generally from the Democrats?—A. Yes, sir.

CHAS. A. AIMAR.

Sworn to before me this 24 day of Sept'r, 1879.

[SEAL.]

JACOB WILLIMAN,

Trial Justice of N. P.

THURSDAY, Sept. 25, 1879.

Court met pursuant to adjournment at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, S. C. Present, M. P.

O'Connor, contestee, and George R. Walker, his counsel, and E. W. M. Mackey, contestant. Charles A. Aimar presented himself for the completion of his examination, and the following witness was examined, viz: R. M. Smith.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & Not. Pub.

Deposition of R. M. Smith.

CHARLESTON, SO. CA., September 25th, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

R. M. SMITH (colored), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Q. Question. Where do you reside?—Ansver. In Charleston.

Q. How long have you lived here?—A. During my lifetime, except temporary absence.

Q. You were born here?—A. Yes, sir.

Q. What is your age?—A. I am 49 years of age.

Q. With what political party have you acted in the past?—A. You mean the recent past?

Q. From the close of the war?—A. From the close of the war up to 1876 I acted with one branch of the Republican party known as the Independent Republican party,

Q. And after 1876?—A. With the Democrats.

Q. Has the Republican party been divided in this county?—A. Yes, sir; in the past.

Q. There has generally been two factions contending one against the other for the control?—A. Yes, sir; in this county that has been so.

Q. Has there been any name for those two factions or wings of the Republican party?—A. Commonly known as the Bowen faction and Mackey faction.

Q. Has not the strife between those two wings been bitter in the past?—A. It has been.

Q. Was that division maintained up to the election of 1878, and during the election of 1878?—A. In 1876, while the Democrats put forth their nominations, the Independent party necessarily broke up. The Mackey faction necessarily broke up and a portion of the Bowen faction, and these two factions went into the Democratic faction. There was a committee appointed to wait upon the chairman of the Democratic party to see if we would be admitted into the Democratic party, of which committee I had the honor of being chairman. We were instructed to meet the chairman of the Democratic party and enquire if we would be admitted and allowed representation as any other nationality. We met Col. Simonton, and he said he could not speak confidently, but he would call the Democratic executive committee together and let us know. As chairman of that committee I met him afterwards, and it was agreed between us that the party which I represented should have representation in the legislature, and that agreement was carried out.

Q. Were there not two candidates in the field for the nomination for Congress on the Republican ticket in the campaign of 1878?—A. For the nomination, yes, sir.

Q. And Mr. Tait was supported by Mr. Bowen?—A. Yes, sir; by Mr. Bowen.

Q. For the nomination?—A. For the nomination.

Q. Was not the opposition between these two wings as to the nomination of the candidate for Congress extremely bitter?—A. Extremely bitter.

Q. Did you not hear the supporters of Mr. Taft after the nomination, when they were defeated by the nomination of Mr. Mackey, express themselves as very much dissatisfied?—A. They were terribly indignant.

Q. And did you not hear threats expressed by the supporters of Mr. Mackey that they would go over to Mr. O'Connor if Mr. Taft was nominated?—A. Numerous.

Q. Do you or not think that there was any genuine healing of the breach between these two wings of the Republican party even after the nomination of Mr. Mackey had been consummated?—A. I don't think it was possible with that class of people.

Q. In the last canvass and election, did you take any part?—A. Up to the day of election I did; but on the day of election I did not, I was present at the polls on that day as a policeman.

Q. Where were you stationed on that day?—A. At the Eagle engine-house.

Q. Were you there all day?—A. I was there from five to seven; I then was relieved; I was there from five in the morning until seven o'clock in the evening; I returned and escorted the ballot-box down.

Q. Was there a large crowd around the poll that day?—A. There was quite a large crowd.

Q. Principally colored people?—A. Principally colored people.

Q. Did everything proceed quietly there?—A. Very.

Q. Did you hear any complaints of want of fair play or anything of that kind that day?—A. No, sir. I would say the Republican challengers, and Republican supervisor, and the Democratic managers and challengers were on the most intimate terms all day, drinking and smoking and talking together; I heard no complaints made.

Q. It was a pleasant love-feast, then?—A. Yes, sir.

Q. Were you a member of any political club during the canvass?—A. I was president of a prominent political organization.

Q. In what ward was it organized and what was its name?—A. Its name was the Hampton Union; it was organized principally in ward five; it is a permanent organization, and there was no restriction to that ward.

Q. Its members influential?—A. Yes, sir.

Q. Amongst their own race and color?—A. Yes, sir.

Q. Men of high standing in the community?—A. The members nearly all are property holders, and of good standing amongst the colored people.

Q. It was a colored club?—A. Yes, sir.

Q. Was it temporarily raised for the election, or is it a permanent organization?—A. A permanent organization.

Q. How do you elect the members of your club?—A. By ballot.

Q. Was there any qualification attached to it?—A. Educational qualification and good character; that is, some education.

Q. Most of your club tax-payers?—A. Principally; at least two-thirds of them.

Q. Did they engage openly as canvassers in the campaign?—A. They did.

Q. For what party?—A. The Democratic party.

Q. Did they do much work in ward five?—A. They did.

Q. Did they act as ralliers on the day of the election?—A. They always have been thrown out as ralliers. They have access to every one's shop and every society is open to them, and therefore they have great power amongst the masses.

Q. Have you ever represented your club or people in any conventions that have been held?—A. I have in every convention since 1877 represented my club.

Q. Do you hold or keep in communication with the wards in other parts of the city?—A. I do.

Q. Did you assist in forming other Democratic clubs of the city?—A. I assisted in the organization of two Democratic clubs in the city.

Q. What were those Democratic clubs you assisted in organizing?—A. One is known as the Haynes Club, and the other as the Jenkins Club.

Q. Were there not colored men in nearly every Democratic club in the city?—A. There were no white Democratic clubs in the city, but the white men would be there.

Q. While you were president of your club, were you not vice president of some other club in the city?—A. Vice president of the white ward club of ward five.

Q. Then your club, of which you were the president, was a political organization confined to colored people?—A. Yes, sir.

Q. Not composed wholly of Democrats, was it?—A. Yes, sir; wholly of Democrats; no one else would be admitted in it.

Q. Will you go on and State how that was accomplished?—A. I thought I stated that before; that when the Independent party broke up and went into the regular Republican party, that is, a portion of that party of which my club is a part, we entered the Democratic party.

Q. Was there any extreme partisanship amongst the colored Republicans in the city of Charleston previous to the election of 1878?—A. The colored people as a general thing are always extreme.

Q. Could the colored men freely, prior to 1878, have voted the Democratic ticket?—A. Not the average colored man; I mean a colored man of average intelligence.

Q. Their fellow-citizens of the same race; did they recognize their right to vote the Democratic ticket?—A. They did not.

Q. Were you driven out of any societies or ostracized on account of your alliance with the Democratic party?—A. I was socially ostracized myself, my children were insulted at school, and my family on the streets, and that is carried out to the present day.

Q. They evinced great hostility to any one that united themselves to the Democratic party of their race?—A. A great deal.

Q. Did they value education amongst them as a qualification for office?—A. They looked upon it as a disqualification.

Q. What is the Republican party chiefly composed of; what class of people here?—A. It is chiefly composed of black people; it was composed at one time of blacks and mulattoes, with a sprinkling of whites, but the blacks have drawn the line so close that they have very nearly driven them out. There are very few mulattoes with the Republican party now.

Q. What number of colored men during this last canvass entertained the same views you do and took the same course as you did ?—A. We estimate our force at about 1,000 to 1,200 intelligent colored Democrats.

Q. About how many colored men, you think, are here who are intelligent. You know how to read and write and know how to value the blessings of an education ?—A. We estimate them to be about 1,500. We keep the statistics of our race, and try as near as possible to find out the condition of our race.

Q. How many colored Democrats or colored men voted the Democratic ticket in 1878 ? Please state generally, and in your own way, what you know about colored men voting the Democratic ticket in the last election as to numbers and as to their grades of intelligence, or anything that is material in making your answer satisfactory to yourself.—A. We estimated the number of colored people that voted with the Democratic party at 3,500, and 1,500 of these we call intelligent colored Democrats, and 2,000 simple men that voted the Democratic ticket from various causes, some because it was given to them, and they could not read, some because they voted with their employers, and others from various causes and influences.

Q. When did the break in the solidity of the Republican party first take place ; about what time, and what was the cause of the break ?—A. It occurred from the removal of Dr. Mackey from the custom-house here in 1869 or 1870. That was about the time and cause of the break in the Republican party, when the carpet-baggers, calling themselves Northern men, came down here and obtained control ; they then aimed at the overthrow of Mr. Mackey as collector of the port. They had the exclusive lead of the Bowen faction, and they were the most obnoxious to the colored people. It was the introduction of the carpet-baggers that caused the dissatisfaction amongst the colored people with the Republican party.

Q. Were not the intelligent colored people inspired with disgust by the Republican party in consequence of the depravity of its carpet-bag leaders and the corrupt administration of the State government whilst in their hands ?—A. It is so.

Q. Do you, or do you not, attribute the defeat and overthrow of the Republican party in 1876 to the corruptions that grew out of that party ?—A. I do ; principally by the carpet-baggers.

Q. Both white and colored, who deceived and mislead the people ?—A. Yes, sir ; unquestionably.

Q. Have not the colored people been satisfied of a disposition on the part of the white people, or nearly all Democrats, to secure them in their free enjoyment of their political rights ?—A. I think so ; I never have heard any complaint, or no fears expressed.

Q. The colored people, in going over to the Democratic party, were induced chiefly by a desire in securing an honest government ?—A. From a desire to secure an honest government, and the supremacy of intelligence over ignorance.

Q. Among a certain element of the colored people having that object in view, especially amongst those who have had the advantage of an education, and especially the young colored men who have had the advantage of an education, in their desire to get an honest government, voted for Hampton in 1876 ?—A. Yes, sir ; I have now in my office a young man who is recognized as one of the most intelligent young colored men here, and he voted for Hampton. His name is Hollings.

Q. So you believe the Democratic vote has been greatly increased from that time to this?—A. Yes, sir.

Q. By the accession of colored people to its ranks?—A. Yes, sir; the Republican party was kept together by an element of ignorance. They lost confidence in their party when they saw that no good could be obtained by keeping in it, and they gave it up in despair.

Q. Your people found that a great many were held and bound to the Republican party by the share they expected to get in the public plunder.—A. The leaders received all the pay; the masses were generally paid by promises.

Q. At the last election, from the information of others, and from your organization, what number of colored people would you say voted the Democratic ticket in Charleston?—A. 3,500, as I stated before.

Q. About how many colored voters do you estimate there are in Charleston?—A. I could not estimate this in my mind; we estimate these things in our club, and we estimated them to be about 6,000.

Q. And out of this 6,000, 3,500 voted the Democratic ticket?—A. Yes, sir; that was our calculation.

Q. When you say that 3,500 of the colored people had voted the Democratic ticket, you do not mean to say that all were Democrats?—A. I do not; I could not say all—about 1,500 were.

Q. And that, from various causes, the others were induced to vote the Democratic?—A. Yes, sir.

Q. About how many white Democratic voters do you think are in the city of Charleston?—A. I can form no opinion of the amount, except from what I have seen in the newspapers, and from that I would say between five and six thousand.

Q. Were there not a great many strange people here on the day of election?—A. There was. That is, from what I heard from friends that generally visit me when in the city, there were a large number of country people that voted here.

Q. Did you see any strange people at ward five?—A. There was.

Q. Was there any enthusiasm or spirit in the conduct of the election on the part of the Republican party in the year 1878?—A. Not a bit; I tried to get a bet on the result of the election, and could not.

Q. You could not get a bet on the success of the Republican ticket?—A. I could not get a bet from men who are in the habit of campaigning.

Q. Was the Republican party demoralized in the election of 1878?—A. They were completely demoralized from the election of 1876; so completely they never will be able to recover.

Q. You remember when the Republican convention that sat in State street made their nominations?—A. I do.

Q. Did not the announcement of that ticket cause great dissatisfaction, and did you not hear Republicans speak of it with disgust?—A. With every one that I spoke, that is, intelligent Republicans, spoke of it with disgust, one of whom was Mr. S. H. Hare.

Q. Did not many Republicans, after the announcement of this ticket, abandon the contest as lost?—A. A great number, about one hundred, I would take it, expressed themselves in this way.

Q. Is there anything that you would state about which I have omitted to question you bearing upon the subject-matter of this election?—A. Well, there is something I would like to say, and that is this: I was present at the Eagle engine-house all day; I seen it published that no Republican challengers were admitted into the polls. I would state that Mr. L. F. Wall and John Nesbit (they wore the badges of deputy United

States marshals), but they performed the duties of challengers; I was there from the opening of the polls to its close. I left them there at seven o'clock in the night, and returned at one o'clock in the night and found them there; nobody objected to their presence there in my hearing. Mr. S. H. Hare, one of the candidates on the Republican ticket for the legislature, was also there; he had free access up to the table where the ballot-box was. He was engaged for a long time in conversation with Mr. Guy; he was courteously treated by the Democrats present, and I heard no one object to his presence there.

Q. Has there been any intimidation in previous State elections to 1878 of colored Democrats by colored Republicans?—A. Considerable. I have known of many of them to be beaten; I know in my club we had to attend meetings armed. It has been a very short time that I have been able to go unarmed myself, and we had to accompany the timid members of our club to their homes. I have known of intimidation committed on the men I associated with. The freedmen will accord me, always a freeman, the right to vote the Democratic ticket; but the freedmen think that the colored people not born free have no right to vote against the Yankees; they, the freedmen, would think such colored men voting Democratic tickets should be visited with death.

Q. You mean the *ante bellum* freedmen?—A. Yes, sir.

Q. Has there been any other instances of intimidation save that exhibited by those kind of fellows that you have just testified about in your answer?—A. There has been social ostracism; especially amongst the females, there has been social ostracism, and even amongst the preachers. The women generally believe that Democracy means slavery and Republicanism freedom. I know of instances where women have left their husbands for voting the Democratic ticket. They would be divorced—not divorced exactly, but go through the form of it—believing that voting the Democratic ticket would enslave their children.

Q. From your experience and observation of the female class of the colored people, do you believe they ever attached any other consequence to the ballot than the simple supremacy of the organization to which they have been wedded by these ambitious influences?—A. And the preservation of their liberty. They regard the continued success of the Republican party as necessary to their freedom; now they see that the spell is broken, and they are made to believe that they can vote the Democratic ticket with security. The moment they are left alone they would vote the Democratic ticket.

Q. As soon as they are relieved of the delusion that the enthronement of the Democratic party in power was their re-enslavement they have been gradually gravitating to the Democratic party as a party for honest government?—A. Yes, sir. These opinions are that, as the Republican party has no business, they are entirely dependent upon the Democratic party for employment and the means of living; and it is therefore to their interest to vote with that party.

Q. Have you ever seen any fraud practiced upon the colored people by the white people from reconstruction down to the present time?—A. I have no personal knowledge of any, and cannot say.

A. Have you heard of repeating being done in this city in the previous elections, or any elections, including the election of 1878?—A. The last election I arrested parties and took them to the guard-house for repeating. Parties represented to me that they had voted before. They were Republicans.

Q. Did you hear of a good deal of repeating being done by the rally-

ers among the colored people in the election of 1878 in Charleston?—A. I heard of a good deal in 1876, but not in 1878.

Q. Do you not know, from your experience as a man that has watched the political events in this city, that they have been taught and told by their leaders to vote early and vote often?—A. By a certain class of their leaders; there are in the Republican party men who would not scruple to vote one hundred times or more.

Q. You are at liberty to state anything else that you know bearing upon this issue that I have been interrogating you about. I see that your knowledge is large upon these matters, and I may have omitted to ask you about some matter, which you are at liberty to state generally.—A. I think I have answered all that I can now think of.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Have you been absent from the city or State any time since the war, and, if so, during what years?—A. I left the city in 1862 and returned in 1868, absent six years and two months altogether.

Q. At what election did you first vote the Democratic ticket?—A. The first national election that I voted with the Democrats was in 1876; I voted Independent tickets and Fusion tickets, as you did yourself. I don't call that Democratic tickets. Prior to that I voted the Fusion ticket; I voted for Greeley.

Q. In 1872 for whom did you vote for President?—A. For Greeley.

Q. For Greeley and Brown?—A. Yes, sir.

Q. You then voted the National Democratic ticket in 1872?—A. I did not regard that as the National Democratic ticket; at that time Horace Greeley was a sort of Independent candidate, and I call that a sort of Fusion ticket.

Q. When you voted the Greeley ticket in 1872, were you not then connected with the Democratic party?—A. I was not.

Q. What State ticket did you vote that year or that election?—A. I voted the Republican State ticket; I think I made some erasures on the Republican ticket; I know I did not vote the straight Republican ticket.

Q. In the general election of 1874, when you voted the Independent Republican ticket; did not all the Democrats of Charleston County vote the same ticket?—A. I don't think all the Democrats ever voted in this city until 1876.

Q. Those Democrats that did vote in 1874, did they not vote the Independent Republican ticket?—A. If they voted at all, I suppose they did; because they had no candidates of their own.

Q. Were there not a number of Democrats on the Republican ticket?—A. I don't remember of there being any sort of Fusion ticket of the State ticket at that time.

Q. Don't you recollect that the Democrats of Charleston County voted the Independent Republican ticket in 1874, because the Independent Republicans gave them a certain number of representatives in the legislature on that ticket?—A. Since you have spoken it comes to my mind there was something of that sort; as a general rule I vote a ticket straight, and if there were any Democrats on the Independent ticket, I certainly voted for them. It is a rare thing I ever cut a ticket.

Q. You have stated there were formerly two factions in the Republican party of this county; did any such division exist in 1876 and 1878?—A. It did not. All that could not swallow the regular Republican candidates went into the Democratic party in 1876; that put an end to that.

Q. When you say there was a bitter rivalry between Messrs. Taft and

Mackey for the nomination for Congress, from what do you derive your information?—A. From common talk amongst the people and from acquaintances.

Q. Don't you know that both Mr. Mackey and Taft canvassed the county together?—A. I have seen them in the cars together, and I see Mr. O'Connor and Mr. Mackey sitting at the table now together.

Q. Have you ever heard of Mr. Taft and Mr. Mackey making any contest at any public meeting in regard to the nomination?—A. I cannot say that, because I did not attend any meeting at which they were; but it was commonly known that they were aspirants for the nomination; but what occurred at the meeting I don't know, I would not pretend to say.

Q. You never attended any Republican meetings during the campaign?—A. I did not, unless it was joint discussions; I have been at meetings where Republicans and Democrats spoke together.

Q. Were you present at any meeting where Mr. Taft and Mr. Mackey spoke?—A. I was not.

Q. Were you ever present at any Republican meeting where any discussion occurred in regard to the candidacy of Mr. Taft or Mr. Mackey?—A. In conversation, and when I have been at meetings where persons spoke in favor of either one of the parties; but no joint discussion.

Q. During the campaign, did you ever go outside of the city of Charleston to attend any meeting?—A. I did.

Q. How many?—A. One only, at Bonneau's.

Q. Was that a Democratic meeting?—A. It was called in the interest of the Democratic party.

Q. Were not the Republicans of the city of Charleston almost unanimously in favor of the nomination of Mr. Mackey for Congress as against Mr. Taft?—A. I think not; I am sure Mr. Mackey had a majority of the Republican votes in Charleston, but Mr. Bowen had some strength.

Q. Do you not know that all of the delegates elected from the city of Charleston were supporters of Mr. Mackey for Congress?—A. I don't know that.

Q. Have you not heard so?—A. I never have; in regard to what I have stated about, my opinion is made up from what I heard.

Q. You testified that the supporters of Mr. Taft were indignant at the nomination of Mr. Mackey; will you please name the parties who expressed such indignation of Mr. Mackey?—A. Most every Bowen man, that supported Mr. Taft. I did not pay attention to any of them to recollect their names.

Q. Don't you know that some of the most prominent Bowen men, as you call them, supported Mr. Mackey for the nomination?—A. I do not.

Q. Do you know Cyrus Gailliard?—A. I do.

Q. Don't you know he was a strong advocate of the nomination of Mr. Mackey?—A. I do not.

Q. You know Thomas Aiken?—A. I do.

Q. Was he not an ardent advocate of the nomination of Mr. Mackey?—A. I don't know that either.

Q. Don't you know Mr. Ostendoff?—A. I don't know him.

Q. You have always heard of his being a Bowen man?—A. I have.

Q. Was he not an ardent supporter of the nomination of Mr. Mackey?—A. I don't know.

Q. Where were you on the day of election?—A. At the Eagle engine-house, in Meeting street, ward five.

Q. Were you there all day?—A. From five o'clock in the morning until seven o'clock at night.

Q. Did you leave there during the course of the day to visit any other polling precinct?—A. No, sir.

Q. So you don't know what occurred at any other precinct, except what occurred at the Eagle engine-house, where you were stationed?—A. That was all.

Q. Now, explain how you know that 3,500 colored people voted the Democratic ticket at the last election?—A. I derived my information from my club, where we take the census; we have the statistics; and that was as near as I could get it.

Q. Were not the members of your club residents of ward five?—A. Most of them.

Q. Were not most of them rallyers at the poll at which you were stationed?—A. No, sir; ten men were assigned to that poll.

Q. Of how many members did your club consist?—A. At that time fifty.

Q. How long had it been organized?—A. In 1874.

Q. Of how many members was it composed when first organized?—A. It commenced with eight.

Q. When it was organized, in 1874, was it organized as a Democratic or Republican club?—A. It was organized as an Independent Republican club. It eventually merged into the Democratic party; but it was not so intended.

Q. In the campaign of 1876, of how many members was it composed?—A. Forty-six, or forty eight. It is a club that never sought to increase its numbers.

Q. Did its members take a very active part in politics?—A. With few exceptions; except some two or three old men that took no part, the balance were very active.

Q. How many colored voters are there in the city of Charleston?—A. My impression is that there is 6,000.

Q. And of these 3,500 voted the Democratic ticket?—A. Yes, sir.

Q. So actually a majority of the colored people of the city of Charleston voted the Democratic ticket?—A. Yes, sir.

Q. Your information, however, on that point, is derived from hearsay?—A. We all gave our knowledge, and we made it up from that; part of the information was contributed by members.

Q. Of the 3,500 that voted the Democratic ticket 2,000 were not Democrats?—A. We did not regard them as Democrats.

Q. When you speak of men being voted by Democrats, what do you mean?—A. I mean men that are voted by rallyers or by their employers.

Q. These 2,000 men were not Democrats in principle?—A. I don't know anything about their principle; I did not mark them down as Democrats.

Q. Did they vote the Democratic ticket as a matter of principle?—A. I don't know that, but they voted the Democratic ticket.

Q. Then these 2,000 men did not vote the Democratic ticket from choice?—A. I don't think so.

Q. You say you assisted in the organization of two other Democratic clubs in the city?—A. I did.

Q. Of how many members were they composed?—A. I did not keep any account; I cannot say.

Q. When you organized the Hayne Democratic club, can you recollect how many persons were present, or about how many?—A. I cannot tell; I knew at the time, but have forgotten it.

Q. When you organized the Jenkins Democratic club, can you tell how many men were present?—A. I cannot tell; there were a good

many men there that belonged to my club ; but how many men joined the Jenkens club that I cannot tell ; I must have known it at the time, but have forgotten it.

Q. You say there has always been considerable ostracism amongst the colored people against those who voted the Democratic ticket; have you experienced any of that social ostracism yourself ?—A. Yes, sir.

Q. In what way ?—A. My family has been insulted on the street and my children in school.

Q. Were you a member of any church ?—A. I resigned on account of politics.

Q. Were you expelled ?—A. No ; I voluntarily resigned.

Q. Have you ever been turned out of any social organization on account of your politics ?—A. I never belonged to any but the church.

Q. Do your family ever attend church ?—A. They do.

Q. Whose church ?—A. The Methodist Episcopal Church.

Q. In Wentworth street ?—A. Yes, sir.

Q. One of the largest colored churches in the city ; is not the congregation one of the largest in the city ?—A. I suppose it is.

Q. Have you ever heard of anybody being expelled from that church on account of politics ?—A. Not from that church ; there is too much intelligence there for that.

Q. Is that the church you left on account of politics ?—A. No, sir.

Q. What church did you leave on account of politics ?—A. Plymouth church ; they slighted me there on account of my politics, and I saw my room was better than my company, so I sent in a letter of resignation ; when I left, they gave me a letter of recommendation to go into any church that I might feel inclined.

Q. Were there any intimidation of Democratic colored voters by Republican colored voters at the last election of 1878 ?—A. I made two arrests for interfering with colored voters at the polls ; I made four arrests altogether : three for intimidation and one for disorderly conduct—a man by the name of Holmes for disorderly conduct ; he was a Democrat ; he was drunk and behaving disorderly.

Q. As a general thing, was there any intimidation of colored Democrats by colored Republicans at the last election ?—A. No more than I have mentioned at that poll.

Q. In discussing matters at your poll was not that thing discussed too ?—A. Hardly ; I don't think that was brought up.

Q. When was the first meeting of your club held after the election ?—A. Perhaps a month afterwards.

Q. Did you then proceed to ascertain how many colored men had voted the Democratic ticket ?—A. When the club closed it was not opened for a month afterwards ; the club was open all day of the election ; all matters concerning the election were discussed before we closed ; we did not hold a club meeting for a month after that again.

Q. When did it close ?—A. I suppose it kept open until six or seven o'clock.

Q. Did they have a meeting after that ?—A. I suppose so.

Q. Were you present at that meeting ?—A. I was not there from the time the club closed on the day of election.

Q. When did this meeting occur or take place when this discussion occurred, as regard to the number of colored men that voted the Democratic ticket in Charleston ?—A. I am not positive whether it was before the club closed, or whether it was after ; if it was at a subsequent meeting, it was not for a month afterwards.

Q. Even if it was at that meeting, was there anything said, or any reports made in regard to intimidation of voters at the election?—A. I don't remember.

Q. Then you have heard of no complaints of colored men being intimidated or prevented from voting?—A. I think the last election was the most quiet election we have had since the war.

Q. How many colored men voted the Democratic ticket in 1876?—A. Our calculation we arrived at was 2,600.

Q. And 3,500 at the election of 1878?—A. Yes, sir.

Q. An increase of about 900?—A. Yes, sir.

Q. With more than one-half of the colored people voting the Democratic ticket in 1878, and nearly one-half voting it in 1876, will you please explain how colored Democrats could be intimidated and ostracised by the other half?—A. As a general thing the colored people who voted the Democratic ticket did it secretly, under disguise, the most of whom would be included in that 2,000 people; they go to the poll and vote, and then clear out; now, on the other hand, the Republicans go to the polls and stay there all day, taking their own time to vote the Republican ticket, and keeping those desiring to vote the Democratic ticket from so doing; therefore, the Democratic colored people would be, in this way, intimidated.

Q. With these 2,000 going away, did not that leave 1,500 active Democrats?—A. It did; but they were dispersed all over the city. Those 1,500 colored men were mostly respectable colored people who vote and go about their business and avoid a difficulty; they are not that class of men that would stand to protect each other; but as a general thing they vote and clear out, and go about their business.

Q. Do you know of any colored men who were assaulted in the city of Charleston, at the general election of 1876, for voting the Democratic ticket on the day of election?—A. I cannot say.

Q. Would a colored man have incurred any risk whatever at the election of 1878, by voting the Democratic ticket?—A. I don't think personal violence; I think the Democratic party would have given them protection against anything like that; but they could not give them protection against social ostracism.

Q. The officers of election were all Democrats?—A. They were.

Q. The police officers were all Democrats?—A. They were.

Q. There were also a large number of State constables, that were Democrats, at the polls?—A. I did not see them, they were not at my poll, the Eagle engine-house.

Q. With all these safeguards there could not have been the slightest danger to a colored man desiring to vote the Democratic ticket?—A. I think every colored man that wanted to vote the Democratic ticket in the last election, had an opportunity to do so, and I think many of them did avail themselves of the opportunity to do so.

Q. Do you know Stephen H. Hare, a candidate for election on the Republican ticket?—A. I do.

Q. Do you know how he stood on the ticket?—A. Very high; as I said before, he stood very high in the community.

Q. Do you know James A. Williams, who was also a candidate on that ticket?—A. I don't know him particularly.

Q. Is he not a captain of a very respectable colored company in this city?—A. He is captain of a company of colored people; but I would have to get Mr. Mackey to define what he means by the word respectable.

Q. You have held office under the Democracy ever since they have

been in power in this State!—A. Not always; I resigned my position on the police force in 1878, and carried on the boot and shoe business. I was appointed trial justice in 1879. During the time the Teller committee was down here I was carrying on the business of boot and shoemaker.

Q. Have you ever served as a manager of elections in the city of Charleston?—A. I have; I was manager of elections at the Eagle engine-house during the Cunningham and Wagener election. I was one of the managers appointed for that poll, and I expect you presented my name.

Q. At that election were not persons appointed as managers of elections from the different political parties?—A. There was one representing the Democratic party; one representing the Independent Republican party, and one representing the Wagener Democratic party.

Q. Have you ever been a manager at any other election?—A. I have not.

Q. That was at the municipal election of 1875, was it not?—A. Yes, sir.

Q. At the general election of 1874 were not the managers of elections appointed in the same way, one from each political party; that is, in the Green campaign?—A. I cannot say.

Q. You don't remember?—A. I took no interest in it, and therefore paid no attention to it.

Q. You testified that you could not get a bet against the success of the Democratic party at the last election?—A. I did.

Q. Was not the unwillingness of Republicans to bet against the success of the Democratic party due to the fact that the Democrats had control of the whole election machinery?—A. I don't know what was the reason; but they had not the courage to bet.

Q. You say one hundred Republicans abandoned the contest after the announcement of the Republican ticket; can you name any of those Republicans to whom you alluded?—A. Not immediately; probably if I had some time to consider I might, but not right away.

Redirect examination by G. R. WALKER, counsel for contestee:

Q. You have been examined in regard to the Green campaign in 1874; was not the contestant, Mr. Mackey, the leader of that wing of the Republican party in this section in that year?—A. I don't remember whether he was or not. He has always been the leader of the Independent party, but whether he was the leader of that wing, I don't know.

Q. Was he not a candidate on the Green ticket?—A. Since he has spoken I remember he was.

Q. You were in the same wing of the Republican party with Mr. Mackey in 1874?—A. Same party.

Q. You also have been examined in regard to the municipal campaign of 1875, when you say you were a manager of election; was not the contestant one of the Cunningham party in that year?—A. He was.

Q. You were then in the same political crowd with him that year?—A. I was.

Q. Did you hold any position in Mecklenburg County, North Carolina?—A. I was provincial alderman of the town of Charlotte, and justice of the peace for the town of Mecklenburg.

Q. By whose appointment?—A. Gov. W. W. Holden.

Q. The education of the freedmen has been inferior to that of the colored freemen?—A. Yes, sir.

(Objected to by contestant as leading, and as not being in reply.)

Q. The intimidation exercised, then, in the freemen's church would be of a more lenient character than that to be found among a congregation of less educated freedmen?—A. Decidedly.

Q. When you speak of seeing no intimidation in 1878, do you mean that there existed no intimidation, or no violent intimidation?

(Question objected to by contestant as leading.)

A. No violent intimidation.

Q. Does the want of education among the freedmen cause them to be pertinacious, politically, about party outlines?—A. It does, it makes them credulous and timid.

Q. And is the fear of future slavery so inculcated into their credulous minds as to make it a religious duty among their party to ostracise all who by voting the Democratic ticket, in their opinion, would renew slavery?—A. That was the condition of affairs up to 1876; of course the defeat in 1876 of the Republican party convinced them that that is not the case.

Q. Amongst all of them, or only those that are educated?—A. I can only speak for those in the city; I don't know about those in the country.

Recross-examination by E. W. M. MACKEY, contestant:

Q. For whom did you vote for Congress?—A. Mr. M. P. O'Connor.

Q. Are not a majority of the colored voters of Charleston able to read and write?—A. I would say not.

Q. Do you not know that several years ago, at the registration of voters in this city, nearly two-thirds of the colored voters were able to sign their names?—A. I don't believe it.

R. M. SMITH.

Sworn to before me this 25th day of September, A. D. 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

FRIDAY, Sept. 26th, 1879.

Court met pursuant to adjournment at the office of M. P. O'Connor, No. 30 Broad st., Charleston, South Carolina. Present: M. P. O'Connor, contestee, and his counsel, Geo. R. Walker, and E. W. M. Mackey, contestant. The following witnesses were examined, viz: John Barry, S. I. L. Matthews, James C. Lacoste.

[SEAL]

JACOB WILLIMAN,
Trial Justice & Not. Pub.

Deposition of John Barry.

CHARLESTON, S. C., September 26th, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

JOHN BARRY (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. You are a resident of Charleston?—*Answer.* Yes, sir.

Q. Lived here how many years?—A. Twenty-eight, going on twenty-nine.

Q. Your occupation?—A. Constable.

Q. Did you hold any position in reference to the election of 1878?—A. Yes, sir; was one of the managers of ward five; Eagle engine-house voting precinct.

Q. Who were your associates on the board of managers?—A. Messrs. Stuart and Sarvis; I think that was the gentleman's name.

Q. You had a clerk?—A. Yes, sir.

Q. What is his name?—A. McMahon.

Q. Who were the two United States supervisors?—A. I believe John M. Gregg was one and Mr. Holmes the other.

Q. One was a Republican and the other a Democrat?—A. Yes, sir; I think Mr. Holmes was the Democratic supervisor.

Q. Who was the chairman of your board?—A. Mr. Stuart.

Q. Did you open the polls punctually at six o'clock in the morning?—A. Yes, sir; according to our time-pieces.

Q. Exposed the box before opening the polls?—A. Yes, sir.

Q. And it was empty?—A. Yes, sir; we looked into the box and saw it was empty; both the supervisors did, too.

Q. Did your box contain printed instructions for the guidance of the managers, together with other blanks and poll-lists?—A. Yes, sir; and also the form of oath that was to be administered to the voters.

Q. The managers were all sworn?—A. Yes, sir; we had our commissions, to which we affixed our signatures and swore to. I was appointed the evening before the election; the man that was appointed had to leave the city, and I was appointed in his place.

Q. Who kept the poll-list?—A. Mr. McMahon, the clerk, kept one, and the supervisor another.

Q. Did both supervisors keep poll-lists?—A. Only one.

Q. The Republican supervisor?—A. Yes, sir.

Q. So there were only two poll-lists kept there; one by the managers, and one by the Republican supervisor?—A. That's all.

Q. Was the polls very much crowded around in the morning by the colored people?—A. Very much.

Q. Did their faces appear to be familiar or strange to you?—A. In the morning they were familiar to me.

Q. Did a large number of strange colored people come there during the day?—A. A great number, principally in the afternoon.

Q. Did the Republican supervisor demand the right of having a clerk to keep his poll list?—A. He had one in the morning, but some of the Democratic committee came up there and said that they were not entitled to a clerk, and that they should keep their own poll-list.

Q. You say the Democratic supervisor had no clerk?—A. No, sir.

Q. And kept no poll-list?—A. No, sir. I think the Democratic managers and Republican supervisor entered the names on their poll-list. They would occasionally exchange names.

Q. You remember if the poll-list kept by the Republican supervisor and the one kept by the managers tallied?—A. They did; at least I did not hear any objections made, and I don't think there was any error either.

Q. Was the voting brisk?—A. Very.

Q. Was any qualified voter rejected or denied the right to vote?—A. In the afternoon those that said they came in from the country, from the Ten-Mile Hill, we did not allow them to vote, because there was a nearer

poll than ours in ward seven and eight, and they passed them and came to our ward. The supervisor did not appear to have any objections to it.

Q. Did any one challenge their votes?—A. There was no challengers there on either side; it seemed to be left to the managers.

Q. You know of any one being qualified denied the right to vote?—A. Yes, sir; men that came from the Ten-Mile Hill.

Q. Did you believe they were unqualified to vote?—A. That was the reason we did not allow them to vote. They had passed other polls to come to our poll.

Q. How many were they, about?—A. I did not keep a list. I don't think they were many.

Q. About how many?—A. I could not form an idea; about ten or fifteen, I suppose.

Q. About ten or fifteen?—A. There might have been that many people, and there may have been less.

Q. You know whether they resided in the county or not?—A. No, sir; there was some that I knew, from the Ten-Mile Hill, myself, that we allowed to vote.

Q. You were actuated in refusing these ten or fifteen votes by the fact that they had voted somewhere else?—A. Yes, sir; that was our belief.

(Objected to by contestant as leading.)

Q. Was that the reason that influenced the managers in rejecting their votes?—A. That was the reason; that was the unanimous opinion of the managers.

Q. Was there a large vote taken at that poll?—A. Yes, sir.

Q. Quite a large one?—A. Yes, sir; quite a large one. I think there was 242 or 243 majority for Mr. O'Connor over Mr. Mackey.

Q. Was there any repeating done at that poll?—A. There was none charged with it.

Q. You could not tell whether any was done or not until you opened the box?—A. No, sir.

Q. Were any complaints made to the managers that the election was not conducted fairly?—A. No, sir; the supervisor and marshals said that they thought it was the fairest election ever held there.

Q. Did the colored people vote openly, or did they fold their ballots up so that they could not be seen?—A. Very few voted them openly; I was sitting next to the voter, by the box, and I could not tell hardly what they put in the box; some of them voted openly.

Q. Were there any Democratic ralliers around the poll?—A. I don't know of any being there; but there was a large crowd around there; nearly every white man in the ward considered himself a raller.

Q. Was the election spiritedly conducted by the Democrats?—A. It was.

Q. The Democrats were active in their exertions to poll their full strength?—A. Very; and they did poll it, too. I saw a good many colored people of the ward voting the Democratic ticket openly.

Q. Have you lived in the ward long?—A. Sixteen years, going on seventeen.

Q. Did you notice that there was a change taking place in the election of 1878?—A. There was a great change; I was surprised to see some of the colored men voting the Democratic ticket.

Q. Their change was to the Democratic side?—A. Yes, sir; there were very few colored Democrats that lived in my ward that I did not know; some were my neighbors.

Q. From your observation on that day, and your previous experience,

you believe a majority that voted at that poll voted the Democratic ticket?—A. I could not say that.

Q. Was the white vote as large at this poll as it has been at previous elections?—A. It was larger, because there was only one polling precinct there in this election, and there were two in previous elections.

Q. You closed the poll punctually at six o'clock.—A. Yes, sir.

Q. And proceeded to count the ballots?—A. Yes, sir.

Q. Who were present?—A. The two supervisors, the two deputy marshals, the three managers, and clerk, and there were also a couple more gentlemen there.

Q. Any complaint made as to the regularity and fairness of the count by the supervisor?—A. There was not.

Q. Did you compare the number of ballots in the ballot-box with the names on the poll-list?—A. Yes, sir.

Q. Well, in counting out the votes, did you find any of the ballots folded with two or more ballots together?—A. Yes, sir.

Q. Were those Republican ballots?—A. I found two Republican ballots with others folded in them, while one of the managers were counting them; the supervisor was there supervising the count when I found two Republican tickets with others folded together.

Q. How many were folded together?—A. I did not open them. Mr. Gregg made the remark to destroy them.

Q. And they destroyed them?—A. Yes, sir. I saw the heading, and they were Republican tickets.

Q. Were the ballots in the box in excess of the names on the poll-list?—A. Yes, sir.

Q. After the excess was found out, did you draw out from the ballot-box the excess?—A. Yes, sir.

Q. Who did the drawing?—A. They blindfolded one of the managers—I think it was Mr. Sarvis—they put a handkerchief over his eyes, and he drew out the excess.

Q. Did he conduct the drawing fairly?—A. I thought so. He drew them so fairly that he drew nine tickets out at one time for Mr. O'Connor. Some one said, "You had better draw them all out;" and that made us all laugh. I took the tickets from him as he drew them out of the box and destroyed them.

Q. After you had concluded the canvass of the votes and announced the result, what did you do then with the box?—A. We put the ballots back into the box, with the returns and poll-list, signed by the supervisors and managers of election, and brought it down to the city-hall, and turned it over to the commissioners.

Q. Was any protest or complaint made as to the count and completion of the returns?—A. None.

Q. By neither side?—A. No, sir. They all said that they thought it was the quietest and fairest election that was ever held there.

Q. In your capacity as constable, you have occasion frequently to see a number of colored people?—A. Yes, sir; I am very much amongst them.

Q. Did you notice in this campaign that any change had taken place in their sentiments?—A. I did, certainly; I heard it at the meetings, and they expressed themselves so to me.

Q. Don't you know that a large number of colored people voted the Democratic ticket at this election that had not voted it at previous elections?—A. Yes, sir.

Q. Did John M. Gregg, the Republican supervisor, complain of any unfairness on the part of the managers on the day of election?—A. He did not; *not in my hearing*.

Q. Did he have an ample opportunity to see everything that was going on?—A. Yes, sir; he had all the opportunity he wanted.

Q. And occupied a favorable position all day?—A. Yes, sir; taking the names down until he was relieved by the other supervisor.

Q. Did he get the other supervisor to relieve him?—A. O, yes; occasionally.

Q. Is there anything else you know to benefit the cause of the contestee, or anything else bearing upon the election that you would like to state?—A. No, sir; not unless a question was put to me that would refresh my memory.

Q. Did John M. Gregg take any part in securing votes for the Republican party?—A. I did not see him.

Q. You did not see him interfere in that way?—A. No; I did not.

Cross-examination by E. W. M. MACKEY, contestant:

Q. When were you appointed a manager of election?—A. The night before the election, at a meeting of our ward—at a ward meeting.

Q. Selected by a Democratic ward meeting?—A. Yes, sir; to fill the place of Mr. Suran, who went away.

Q. When did you qualify?—A. I did not qualify before any one; the commission was sent up to me by the chairman of the ward, Mr. Devereaux; he brought me the form of oath and I signed it.

Q. Were not the three managers of elections at that precinct Democrats?—A. I cannot say that; but they voted the Democratic ticket.

Q. Was the clerk of the board a Democrat?—A. Yes, sir.

Q. Were you present at the opening of the polls?—A. Yes, sir.

Q. When the polls opened did Mr. Gregg, the Republican supervisor, have a clerk with him?—A. He did.

Q. How long was that clerk allowed to remain there?—A. Until about nine or ten o'clock, I believe; in fact, I did not look at the time to see when he was told to stand one side, that he would not be allowed there.

Q. Who told him to stand aside?—A. I don't know.

Q. Was it one of the managers?—A. No, sir.

Q. Who was it?—A. I could not tell you; I heard that the orders had come from the headquarters that there was no clerk to be allowed to the supervisors.

Q. From whose headquarters?—A. I don't know that, either.

Q. You stated, on your direct examination, that some of the Democratic committee came up and said the supervisors had no right to a clerk; what member of the committee was it?—A. Now, I could not tell you; I saw Capt. Dawson there; I am not positive, but I think he said that no clerk would be allowed to the supervisors.

Q. He was a member of the Democratic executive committee?—A. I don't know.

Q. Was he accompanied by Gen'l Siegling?—A. I could not tell you; I took so little notice of that; I think, though, Gen'l Siegling was with him.

Q. Did the clerk remain after they said the supervisor was entitled to no clerk?—A. I saw him there in the engine-house.

Q. When was he put out?—A. He was not put out.

Q. When was he compelled to leave, then?—A. I could not tell that.

Q. When was he compelled to stop assisting the supervisor in keeping the poll list?—A. It was in the forenoon, but I could not tell you what hour.

Q. Previous to the objections made to the presence of this clerk, what

was the Republican supervisor, Mr. Gregg, engaged in doing?—A. Standing there.

Q. About the ballot-box?—A. Yes, sir.

Q. Watching the ballot-box?—A. Yes, sir.

Q. Was he standing behind the ballot-box, or watching his clerk?—A. Standing behind his clerk, watching the ballot-box; the ballot-box was not far from him.

Q. Was he in a position to see how the voting was going on?—A. He could if he chose to.

Q. After he was denied the right to have a clerk, was he not compelled to keep his own poll-list?—A. He did; he kept the same poll-list that the clerk had been keeping.

Q. For that purpose he had to take a seat at the table, then?—A. Yes, sir.

Q. What was the size of the room where the poll was being held?—A. You mean the Eagle engine-house?

Q. Yes.—A. I could not tell the length or width either; there was a barricade on the outside.

Q. Was the poll held at the main entrance?—A. Yes, sir; just inside the main entrance, and the policemen were stationed on the outside of the barricade to keep order.

Q. State as near as you can the length of the hall?—A. About sixty or eighty feet.

Q. And about how wide?—A. Thirty or forty feet; not less than thirty.

Q. Did the presence of Mr. Gregg's clerk in any way inconvenience the managers?—A. No; I heard no objections by the managers.

Q. Was it by the managers' instructions that he was prevented from retaining this clerk?—A. No.

Q. By whose instructions was it, then?—A. I don't know. I know the managers had nothing to do with it; if they had, they did not acquaint me with it.

Q. You say the voting there throughout the day was very brisk?—A. Very; so much so I could scarcely find time to take a cup of coffee just by the table in the hall.

Q. The voting went on there just as rapidly as the managers could receive the votes?—A. Just as rapidly as they could swear the voters; in the afternoon there might have been a few minutes when it slacked up, but I tell you the minutes were very few.

Q. Have you ever been a manager at any previous election?—A. No.

Q. It was as much as the managers could do to receive the votes and swear the voters?—A. It kept them busy all day.

Q. Were the voters sworn singly?—A. Whenever we knew the voters we swore them in batches of four, and sometimes three, just as they would come in, whether they were Democrats or Republicans.

Q. Access to the poll was perfectly free?—A. Free; with a policeman at each entrance.

Q. Every one that wanted to vote at that poll had an opportunity of doing so?—A. Every one. All had not voted, even, after we closed.

Q. Was not the voting so brisk that you closed without allowing a number of voters to vote who desired to do so?—A. There were a number outside that had not voted, whites as well as colored.

Q. That occurred late in the afternoon, at the close of the poll?—A. Yes, sir.

Q. What rule did the managers follow in regard to allowing people to vote who were not residents of that ward?—A. We did not have any

rule at all to that effect; it was only those who were about ten miles out from the city and passed other polls coming to our poll.

Q. Were men living in any of the wards in the city of Charleston allowed to vote at your poll?—A. They were.

Q. Persons living beyond the limits of the city of Charleston, coming from the Ten Mile Hill, were not allowed, however, to vote at your poll?—A. Not unless we knew them. We allowed Bob Jenkins, one of your supporters from Ten Mile Hill, to vote there.

Q. Well, then, do I understand you to say that if the managers knew the men that came from the Ten Mile Hill they would allow them to vote; and if they did not know them, they would not allow them to vote?—A. I asked that question myself, and they said yes; we did allow them to vote when we knew them; if we did not know them we would not allow them to vote.

Q. In regard to the voters from the parish of St. Andrew's, were they allowed to vote at your poll?—A. I don't know that we turned any of them away. I don't know that any of them came there. Those even that came from Christ Church and beyond we allowed to vote.

Q. What poll did persons coming from the Ten Mile Hill have to pass before getting to your poll?—A. Passed polls at wards seven and eight to come to our poll.

Q. Do you mean to say that the polls at wards seven and eight are on the road going to ward five?—A. The places where they usually were held.

Q. Well the places where they were usually held?—A. Yes, sir; the Marion engine-house was on the road.

Q. Would not a person who desired to vote either at the poll in ward seven or eight, who came from the Ten Mile Hill, have to leave the direct road and turn in another direction to reach either of those polls?—A. I don't know what road they could come by.

Q. They could come by water, could they not?—A. I could not tell you what road they may take.

Q. You say very few colored people voted their tickets openly?—A. Very few.

Q. How can you tell, then, that a large number of them voted the Democratic ticket at that poll?—A. By the color of their tickets; the calico back ticket.

Q. The colored Democrats at that poll voted the calico ticket?—A. Yes, sir; except those that had them folded up so small that you could not tell what they were.

Q. You could not, then, tell whether they were Democratic or Republican tickets?—A. You could not.

Q. How many colored men do you suppose voted the calico-back Democratic ticket?—A. A good many of them.

Q. Can't you make an estimate?—A. I cannot.

Q. Do you think there were fifty colored men that voted that ticket?—A. About that.

Q. How many more?—A. I think more than that.

Q. Do you think there were a hundred?—A. I don't think there were, and there might have been, too; but they voted so privately you could hardly tell what they voted. I saw some two or three take up the Democratic ticket and put it in.

Q. With the exception of those who voted the calico back ticket, it was impossible for you to tell what kind of ticket they voted?—A. Impossible. They would roll them so small that you could hardly see what

they were putting in the box. The large tickets could be folded up so small as not to be known.

Q. The large tickets, both white and calico back, could be folded in a very small space?—A. Certainly, but not so small that you could not give them space to get in.

Q. When did you first see the tissue Democratic tickets?—A. When we opened the box and began to count them.

Q. When you counted the ballots in the box, what was the excess of ballots over the number of names on the poll-list?—A. I do not know the number now.

Q. Was it not over one hundred?—A. I could not tell you; I did not keep an account of it.

Q. What was done with the excess?—A. The ballots were put back into the box, and the number drawn out, over and above, until they tallied with the poll-list.

Q. During the drawing of those nine tickets having the name of Mr. O'Connor on them, were they drawn out one after the other?—A. Yes, sir; as the tickets were drawn out, I took the tickets myself and destroyed them.

Q. They were drawn out one by one?—A. Yes, sir; there were none of them folded up when they were put back into the box.

Q. Previous to those nine being drawn out for Mr. O'Connor, the Republican tickets were being principally drawn out, were they not?—A. No; mixed, indiscriminately drawn.

Q. Did not the Republican supervisor, Mr. Gregg, protest against the way the man who was drawing out the tickets was blindfolded?—A. No.

Q. You mean to say you did not hear such a protest, or you did not hear any at all?—A. I did not hear it. I believe Mr. Wall said an outsider should be appointed and blindfolded; then, I think, one of the supervisors said that it was the law that one of the managers should be blindfolded.

Q. Which one of the supervisors said so?—A. I could not tell you which one.

Q. Was it Mr. Gregg or Mr. Holmes?—A. I could not tell you which.

Q. When the managers ascertained that there were more ballots in the box than there were names on the poll-list, were they at all surprised?—A. Well, I was surprised myself; I don't know whether the others were or not; I did not ask them. The remark was made by some one that it was generally the case, more or less, at every election.

Q. You did not know of your own knowledge whether the ballots in the box, at any previous election, actually exceeded the number of names on the poll-list?—A. No; I never was a manager before, and never bothered much with the counting of votes.

Q. Have you ever seen tissue ballots used, at any previous general election, in the city of Charleston?—A. I never took much interest in any election until the last.

Q. Did you take any part in the election of 1876?—A. I voted the same as any other man in the ward. Governor Hampton's election, you mean?

Q. Yes.—A. Yes, sir; I attended the meetings of the ward.

Q. Did you notice how the colored people voted in 1876?—A. No.

Q. How can you say, then, there was a great change in the colored vote at this last election?—A. By their attendance at our meetings.

Q. Previous to 1878 there were a very few colored Democrats in your ward?—A. There were a very few.

Q. You mentioned that in two instances you found Republican ballots folded together?—A. Yes, sir.

Q. How many did you find folded together?—A. I did not count them. I did not get a chance to count them.

Q. Were they folded compactly together?—A. Yes, sir.

Q. Not one dropped just inside of the other?—A. No.

Q. These were the only two instances that you found Republican ballots folded together?—A. Yes, sir.

Q. Did you find any Democratic ballots folded together?—A. No.

Q. Did you find any Democratic large tickets, with small tissue tickets lying in the fold?—A. No.

Q. How were these tissue tickets, found in the box, lying?—A. Some folded up and some lying open. In fact you could not keep them folded up. I tried it myself and they would not keep folded up.

Q. Those you found open, did they have the appearance of having been folded?—A. Yes, sir.

Q. And none of these tissue ballots were found inside of these larger ballots?—A. I could not answer that; I did not find any; whether the others found any or not, I do not know.

Q. How many were engaged in the counting besides yourself?—A. The two managers and another gentleman; I forget his name.

Q. You testified that the Republican supervisor, Mr. Gregg, occupied a favorable position to overlook the voting?—A. Yes, sir.

Q. Do you mean to say he could overlook the voting while he was keeping his poll-list?—A. He was as near to the box as you are to this table.

Q. Could he keep as close a watch, keeping his poll-list, as a man around the poll?—A. Of course not. He had a ready friend there who watched around for him.

Q. For whom did you vote for Congressman?—A. For M. P. O'Connor.

Q. Were not the Republicans very active around that poll?—A. One of them was so active that they had to arrest him about ten o'clock for meddling with some colored men that were going to vote the Democratic ticket.

Q. Did not the Republicans appear to take as much interest in the election as they usually did?—A. No; only this one.

Q. How about the Democratic voters?—A. They worked very hard.

Q. Harder than in the election of 1876?—A. Just about as hard; every man considered himself a rallying committee.

Q. During the counting of the votes, were any parties from the outside admitted to see the count?—A. Yes, sir; there were some few around in the hall. There were mighty few, though.

Q. Besides your printed instructions, did you receive any other instructions from any other persons as to the management of the election and qualification of voters?—A. No, I did not.

Redirect examination by M. P. O'CONNOR, contestee:

Q. You were recommended by the ward meeting as a manager in the place of Mr. Suran?—A. Yes, sir; I was asked if I would accept it, and I did.

Q. Your name was then sent into the ward meeting?—A. I got the commission from Mr. Devereaux, to be used in case any manager should decline in the mean time.

Q. Was it not the understanding of the managers before Capt. Dawson came up there that neither of the supervisors should have a clerk?—A.

I did not hear anything about that; the part I took kept me busy all the time.

Q. Then, if the Democratic supervisor had no clerk and the Republican supervisor had a clerk, he would thereby be given an advantage over the Democratic supervisor?—A. He would, undoubtedly.

Q. Could not Gregg, from his position at the table, keeping his poll-list, see every voter that came up and deposited his ballot?—A. As a voter came up to vote I took my hand off the ballot-box, and Mr. Sarvis would administer the oath, and Mr. Gregg would look at every voter before he put his ballot in the box; that is, before he put down his name, and it appeared to me he would get the name from the other list; both were close to each other.

Q. Of what politics was this person, Mr. Wall, who remarked that some other person other than the managers should draw out the ballots?—A. He is a Republican; a leading Republican.

Q. Well, now, this clerk of Gregg's, who was told he had no right to keep the poll-list of the supervisor, was he put out, or simply politely told that the supervisor was not entitled to a clerk?—A. He was politely told that the supervisor was not entitled to a clerk. I don't know whether he went out of the hall or not; I did not take any notice.

Q. Are you positive that there were not more than ten or fifteen voters from the Ten-Mile Hill that were refused the right to vote at that poll?—A. I don't think there were that many.

Q. Do you know of what politics they were?—A. There was one that had a Democratic ticket in his hand, open; he was not allowed to vote, no more than the Republicans.

Q. And the reason for the exclusion of their votes by the managers was on the ground that they had voted at some other poll before coming down to this poll?

(Objected to by contestant as leading.)

A. That was the reason; that was the object the managers had in view, and they were unanimous in opinion on that point.

JOHN BARRY.

Sworn to before me this 26th day of September, A. D. 1879.

[SEAL.]

JACOB C. WILLIMAN,

Trial Justice & N. P.

Deposition of S. J. L. Mathewes.

CHARLESTON, S. C., September 26th, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County :

S. J. L. MATHEWES (white), a witness of lawfulness, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your name, age, residence, and occupation.—Answer. I am forty-three years old, lived all my life in Charleston, and am a merchant by profession.

Q. Did you take any part officially in the election of 1878?—A. Yes, sir; I was a manager.

Q. At ward two?—A. Yes, sir; court-house poll.

Q. Who were your associates there on the board?—A. One was F. L. McHugh, and the other Samuel Webb.

Q. Had you a clerk?—A. Yes, sir.

Q. And two supervisors?—A. Yes, sir.

Q. Who was the Republican supervisor?—A. F. M. Johnstone.

Q. Who was the Democratic supervisor?—A. Henry McCormack.

Q. Were there any United States deputy marshals there?—A. I don't remember.

Q. Will you state what transpired and took place in regard to the election?—A. Everything appeared to be going along very quietly. We received the votes of those that were entitled to vote; and all those we did not think were entitled to vote we rejected.

Q. Was the election conducted fairly?—A. I think very fairly.

Q. Were there a large crowd of colored people around the polls?—A. A very large crowd.

Q. Outside in the street and in the lobby of the court-house?—A. I cannot say anything about outside, but in the court-house it was a jam.

Q. Were they from the country?—A. Principally from St. Andrew's Parish and from James Island. During the course of the day I saw some that said they were from James Island.

Q. Was there not a poll on James Island, Dill's Bluff?—A. I don't know.

Q. Did some of those James Island negroes proffer to vote?—A. I think they did.

Q. You have been in nearly every election, and has not your experience been that a large number of the James Island colored people would come to the city on the election day, and crowd around those polls, wards one and two?—A. Yes, sir; I have known them to come in the city, and even vote; because I have protested against it at other elections.

Q. Has there not been a system in vogue among the Republicans to import voters into the city?—A. I think so.

Q. Was the crowd of colored people in the city on the day of election of 1878 unusually large?—A. I should judge so from the crowd that was in the court-house. You see I was in the court-house from six in the morning until six in the evening.

Q. Was the poll opened punctually at six o'clock?—A. Yes, sir.

Q. And closed at six o'clock?—A. Yes, sir.

Q. Was the box opened and exposed?—A. Yes, sir; opened and exposed.

Q. Was there any repeating carried on at the poll that day?—A. I think there was some parties that tried; but I don't know that they did.

Q. Were you not cautioned to beware of repeaters?—A. Yes, sir.

Q. In what way did you receive this caution to beware of repeaters?—A. I received this caution from a party who said that Mr. Dunnemann had voted two hundred or one hundred and fifty up town, and that they were on their way down, and that we should take care of them—so this party told me.

Q. Who is Dunnemann?—A. A man that farms up the road.

Q. A prominent Republican?—A. I think so.

Q. Was it not this Louis Dunnemann that was one of the candidates on the Republican ticket?—A. Yes, sir; Louis Dunnemann.

Q. This put the managers upon their guard, this message, and made them cautious in the conduct of the election?—A. Yes, sir.

Q. Did you refuse any person's vote?—A. O, yes.

Q. If you were not satisfied after examination that he was qualified

to vote there, by reason of not being of age, or of having voted elsewhere before, or of not being a resident of the county or State?—A. We refused all that we thought were under age—that could not satisfy us that they were entitled to a vote; and we refused some that were challenged, and the parties certified that they had seen them vote elsewhere or that they had voted. We refused some that said they had tried to vote at other precincts in the upper part of the city; and we thought if they tried they had voted, but we refused none that offered to vote if they lived in the county.

Q. Were there any challengers at the poll?—A. Yes, sir; several.

Q. Who acted as the Democratic challenger?—A. Mr. Barwell.

Q. Who acted as the Republican challenger?—A. E. W. M. Mackey.

Q. Did Mr. Barwell challenge these persons?—A. He challenged a great many, but there were other challengers there.

Q. How many persons, you think, were refused to vote, being of non-age—under twenty-one?—A. That is a question I could not answer.

Q. Will you state what number were refused because of the determination of the managers that they had repeated?—A. I could not tell.

Q. To what party did these persons belong; did you know the politics at all of those that were challenged?—A. No, sir.

Q. Was the vote large at this poll?—A. The vote was large at this poll, because we only had that one precinct.

Q. Who received the majority for Congress at that poll?—A. E. W. M. Mackey.

Q. Did you remain with the ballot-box all the day?—A. All the day.

Q. Did you close the polls punctually at six o'clock?—A. Punctually at six o'clock.

Q. Did you proceed to count the ballots according to law?—A. Yes, sir; immediately after getting everything out of the way; about ten minutes after the polls closed we commenced the count.

Q. No complaint made about the fairness of your count?—A. None at all.

Q. Who kept the poll-list there?—A. A young man by the name of Thayer.

Q. He was your clerk?—A. Yes, sir; and I think the Republican supervisor, Mr. Johnstone, also kept a poll-list.

Q. Did a great many colored people vote the Democratic ticket at that poll?—A. There must have been a great many.

Q. Was the election conducted with spirit on the part of the Democrats?—A. I should judge so; it was certainly as far as my poll was concerned.

Q. Did not the announcement of the nominations by the State-street convention excite a great deal of objectionable comment among Republicans in the city?—A. I think so.

Q. The opposition to the ticket was as to the personnel of the ticket—as to some of the county officers—excited much disgust?—A. Apparently to some of the Republicans.

Q. Was it not regarded as a failure of the ticket?—A. Yes, sir; I heard some say so.

Q. Was not whatever strength Mr. Mackey possessed, as the Republican candidate, impaired by the candidates that ran on that ticket on which he was the Congressional candidate?—A. I think so.

Q. There has generally been kept up two divisions in the Republican party?—A. Yes, sir.

Q. Two wings?—A. Yes, sir.

Q. One has been generally led by Mr. Mackey, has it not?—A. Yes, sir.

Q. And the other by Mr. Bowen?—A. Yes, sir.

Q. Both men prominent leaders with their wings?—A. Yes, sir.

Q. Was not that division maintained up to the election of 1878?—A. I think so.

Q. Is that division still maintained or kept up to the present time, or only partially healed?—A. I will give you my own opinion; I would answer that yes; it is only normally healed.

Q. There was no official protest filed with you by any person before you reported to the commissioners of election?—A. You mean after counting the votes?

Q. Before or after was there any official protest filed?—A. No, sir.

Q. If you know anything else that is of interest to Mr. O'Connor, the contestee, who has examined you, you can state it.—A. No, sir; not unless you refresh my memory.

Q. Has there been a system of intimidation existing for many years on the part of negro Republicans against colored Democrats?—A. Yes, sir.

Q. Has this intimidation ever amounted to violence in the past years—I am not speaking of 1878 alone?—A. It has.

Q. Would the result of such intimidation in the past tend to cause the colored Democrat in 1878 to vote his ticket in secrecy?—A. I think it would.

Q. You have been intimately conversant with politics in this city for many years, I understand you to say?—A. Yes, sir.

Q. Have not the Republicans been, in past years, remarkably expert in the manipulation of imported repeaters?—A. Yes, sir.

Q. Have you not had actual experience of this fact in past elections?—A. I have.

Q. Would not an extraordinary amount of precaution be necessary, on the part of the managers, to avoid such repeating?—A. I think so.

Q. In the effort to do their duty, and prevent such repeating, may it not be possible that the managers might, in a few instances, be unintentionally mistaken?—A. Oh, yes.

Cross-examination by E. W. M. MACKEY, contestant:

Q. For whom did you vote for member of Congress?—A. M. P. O'Connor.

Q. To what political party did you belong?—A. At that time?

Q. Yes.—A. Democratic party.

Q. Were the other two managers Democrats?—A. That is a question I cannot answer; I think they were.

Q. Was not Mr. McHugh the secretary of the Democratic club of the ward?—A. I cannot positively answer that question; that I don't know; if I did know it I have forgotten it.

Q. Were you a manager of election at the general election of 1876?—A. No, sir.

Q. Do you remember who were managers in ward two at that election?—A. I could not tell you. I was chairman of the rallying committee in 1876.

Q. Were you a manager of elections at the municipal election of 1875?—A. I was a manager of an election, but I could not be positive whether that was the election; but I think it was that election. I don't remember now.

Q. Were you not a manager of elections at the municipal election

when Mr. Cunningham and General Wagener were the candidates of their respective parties for mayor?—A. I was a manager.

Q. Did both the Republicans and Democrats have representatives on the board of managers of which you were a member?—A. Yes, sir; but then I was called by the News and Courier a Republican.

Q. Were you appointed on that board as the representative of the Republican candidate, Mr. Cunningham, or of the Democratic candidate, Mr. Wagener?—A. I was appointed to represent Mr. Wagener.

Q. Was not Mr. Wagener the candidate of what was known as the straight out Democracy?—A. I was satisfied he was the Democratic nominee.

Q. At any rate, regardless of the politics of the two candidates, did not both have representation on the board of managers?—A. Yes, sir.

Q. When the managers were about to open the polls at the court-house, in ward two, at the last election, did not Mr. Barnwell, the chairman of the Democratic rallying committee, attempt to make an argument that the polls should not be opened until eight o'clock?—A. He did attempt to make an argument, but I took no notice of it at all. I will state further that the argument was continued for some ten minutes by Mr. E. W. M. Mackey, who participated in it with him.

Q. Did not Mr. Mackey claim that Mr. Barnwell had no right to consume time and delay the opening of the polls by making an argument?—A. Yes, sir; I remarked at the same time that the gentlemen who were arguing were delaying the voters from coming up to the polls.

Q. Regardless of what was the result, was not Mr. Mackey endeavoring to prevent Mr. Barnwell from delaying the voting?—A. I did not pay much attention to the argument. I was trying to get them out of the way so as to let the voters come up.

Q. Were you not occupied during the entire day of election at the poll of which you were a manager?—A. Yes, sir.

Q. You know nothing, therefore, in regard to the election in any other parts of the city?—A. Nothing only what I have heard.

Q. Was not the voting at ward two very brisk throughout the day?—A. Well, there was a number there, but I cannot say the voting was very brisk, because we had a great many questions to ask, and the managers had to be very careful as to whom they allowed to vote, for fear there would be repeating.

Q. Did not, in the early part of the morning, the managers allow the voters from St. Andrew's Parish to vote at that poll?—A. Yes, sir; refused none.

Q. Did not, later in the day—eleven o'clock, or so—the managers decide that they would not allow any more voters from St. Andrew's Parish to vote?—A. No, sir, they did not; but after I received that message about Dunnemann we had to be very careful as to whom we allowed to vote.

Q. What time in the day did you receive that message about Dunnemann?—A. About ten o'clock.

Q. Did not, after that, the managers declare that no persons from St. Andrew's Parish would be allowed to vote at the court-house because it was getting late in the day, and it was a fair presumption that they had already voted at some other pole?—A. No, sir.

Q. Who was the person that conveyed this message to you about Mr. Dunnemann?—A. I don't know who he was; he was a colored man.

Q. Was it a verbal message or a written communication?—A. A verbal message.

Q. You have testified that the managers refused some persons who

said they had tried to vote at other polls; was this refusal based upon any information received that these persons had actually voted at any other poll?—A. Yes; we objected to ever voter that said he tried to vote at other polls; we thought probably they had voted at other polls, and we told them if they could bring us anybody that would prove they had not voted at any other poll we would allow them to vote; and some of them did.

Q. But you required no proof from any challenger that they had voted at some other poll?—A. No; we did not.

Q. There were formerly two polls in ward two?—A. Yes, sir.

Q. In the last election only one?—A. Yes, sir.

Q. That necessarily made the crowd much larger around that poll this election?—A. I have been living in that ward a long time and I know the most of the people living in my ward, and I must say the majority of people around that poll were country people.

Q. Has not ward two always given a Republican majority?—A. Yes, sir; it has.

Q. At the last election, was not the police force of the city under the control of a Democratic administration?—A. I think so.

Q. I would like you to answer positively.—A. Yes; it was.

Q. At the last election was not the government of the State and city under the control of the Democrats, or officers elected by the Democrats?—A. Yes, sir; they were.

Q. Did not, therefore, colored men who desired to vote the Democratic ticket have ample protection in so doing?—A. Well, a great many colored people told me they were afraid to vote the Democratic ticket openly; consequently they had to vote the same disguised, so as to vote that ticket.

Q. Did the colored Democrats in your ward have any disguised way of voting the Democratic ticket?—A. Well, there were a great many colored men in ward two that voted a ticket that looked very much like a Republican ticket.

Q. Was not that a large white ticket on white paper?—A. Yes, sir.

Q. Did not most of the colored Democrats at your poll vote those tickets called the calico-back tickets?—A. I don't think they did.

Q. Were many Democratic tissue tickets found in your ballot-box?—A. No, sir.

Q. Not more than a half dozen were found, I believe?—A. Not more than four, I believe.

Q. Well, then, tissue tickets were not used by the colored Democrats of that ward for the purpose of concealing their votes?—A. Not to any extent.

Q. If only five or six Democratic tissue tickets were found in the box could they have been used for that purpose to any extent whatever?—A. No.

Q. At the close of the polls did the managers of elections compare the number of ballots in the box with the number of names on their poll list, and, if so, how did they compare?—A. Yes, sir; and they tallied.

Q. There was, therefore, no excess of ballots over the poll list?—A. I don't think there were any; I think the poll list and ballots came out even.

Q. Ever since you have been in politics you have been connected with the Democratic party?—A. Yes, sir.

Q. You never have been in any way connected with the Republican party?—A. Never.

Q. Your opinions, therefore, in regard to divisions amongst the Re-

publicaus, and opinions expressed by Republicans in regard to their tickets, &c., is based mostly upon hearsay?—A. From observation and hearsay.

Q. During the last campaign did you attend any Republican meetings?—A. No, sir; I did not.

Q. During the municipal election of 1875 did not the Daily News and Courier charge the Democrats who were supporting General Wagener with attempting to bring repeaters from the islands in their interest?—A. I don't remember that.

Q. Were you chairman of the board of managers at your precinct?—A. This last election?

Q. Yes.—A. No, sir.

Q. Who was chairman?—A. Samuel Webb.

Q. Read the following advertisement, contained in the News and Courier of November 2d, 1878, and state whether or not you attended that meeting.

"The presidents of the wards, city managers of election, and chairmen of the working committees are requested to meet at 32 Broad street this evening at seven (7) o'clock."

"J. ANCRUM SIMONS,
"Secretary Executive Committee."

A. I cannot answer that; I don't know whether I was there or not.

Q. Do you recollect of attending any meeting of that kind?—A. I think I was up there, but don't recollect what evening it was. I remained there for about fifteen minutes. There was nothing done, and I left. There were only men talking around the board, and I said if that is all you have to do I will have to leave, as I have my business to attend to.

Redirect examination by G. R. WALKER, counsel for contestee:

Q. You have been examined in regard to the control of the government in 1878 by Democrats; please state whether a Republican or Democrat was clerk of the State circuit court in that year.—A. Yes, sir; a Republican.

Q. Was not this sheriff of this county a Republican?—A. I think he was.

Q. His deputies Republican?—A. I think they were.

Q. And the coroner?—A. I think he was.

Q. And the United States deputy marshals Republicans?—A. They were looked upon as such.

Q. Did not Mr. Wallace, the United States marshal, act with Mr. Mackey in the last election; is he not a Republican appointee?—A. I think he is.

Q. Are not the sheriff's deputies and the marshal's deputies, almost without exception, Republicans?—A. I should judge that they all are.

Q. When the test oath was applied in the United States court, did it not have the effect of producing Republican juries, or nearly so?

(Objected by contestant as not in reply.)

A. Yes, sir; of course.

Q. Therefore the machinery of the courts, both State, circuit, and United States, was, to a great extent, in the hands of the Republicans?—A. As far as the State court is concerned, I don't know anything about it; as far as the United States courts are concerned, I think they were.

Q. At the polls in 1878 were not the United States deputy marshals, almost without exception, Republicans?—A. I think they were.

Q. Have not the United States marshals and United States Republican supervisors been the chief witnesses on the Republican side in all the political issues arising since the war?

(Objected to by contestant as not in reply and as irrelevant.)

A. I think they have.

Q. Were not the United States deputy marshals usually colored Republicans; and was it not exceptional for a white man to be a United States deputy marshal in the last election?

(Objected to by contestee as not in reply and as irrelevant.)

A. The majority were colored.

Q. And Republicans?—A. And Republicans.

Q. In 1875 were not both parties divided as to the candidates?—A. I think they were.

Q. Was not Mr. Cunningham supported very largely by Democrats?—A. I think he was.

Q. Did not the Republicans have two Republican managers besides yourself on the board of managers at your ward?—A. Yes, sir.

Q. And you say you were called a Republican?—A. I was called a Republican.

Q. In the rejection of voters by you, in 1878, was not every challenge of a voter a matter of solemn deliberation on the part of the managers and earnest conviction of duty in refusing a proffered vote before the rejection of the voter?

(Objected to by contestant as leading and as not in reply.)

A. Yes, sir.

Q. In this controversy between Mr. Barnwell and Mr. Mackey, before the opening of the poll, did I understand you to say that you were ready to open the poll prior to the beginning of the argument, and that you were detained by the action of both gentlemen?—A. Yes, sir; the polls were opened at the regular appointed time; and Mr. Barnwell and Mr. Mackey got into an argument which prevented the voters from coming up.

Q. Did the abolition of one of the precincts in ward two tend to prevent repeating?

(Objected to by contestant as not in reply.)

A. It was intended in that way.

Q. Was not the existence of two polls in so small an area likely to produce repeating?—A. I should think so.

Q. Could not all the legitimate voters of ward two deposit their ballots easily at one precinct?—A. Yes, sir.

Q. Did not the News and Courier rather charge the alleged Republican allies of Mr. Wagener with importing repeaters than the Democratic supporters?—A. I think they did.

Q. Did either a white or colored Democrat in this section hope for justice before a test-oath sifted jury?—A. I don't think they expected to get justice.

Sworn to before me this 26th day of September, A. D. 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice and N. P.

Deposition of J. C. La Coste.

CHARLESTON, S. C., September 26, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA.

Charleston County:

J. C. La Coste (white), a witness of legal age, produced by contestee, upon due notice to contestant, deposes as follows in reference to questions propounded by contestee :

Question. State your age, residence, and occupation.—Answer. My age is forty-two; residence, Charleston; my occupation is master builder.

Q. Did you take any part in the election of 1878?—A. I was a manager at the Stonewall engine-house, first precinct, ward four.

Q. Who were your associates?—A. Mr. Frederick Lucas and Charles Steinmeyer.

Q. Who was your clerk?—A. We had none.

Q. Who were the supervisors?—A. Bolger and McCormack.

Q. Were there any deputy marshals at your poll?—A. Yes, sir.

Q. All Republicans?—A. Yes, sir.

Q. Did you open the polls at six o'clock?—A. Yes, sir.

Q. Was the box empty?—A. Yes, sir; opened and exposed to those around.

Q. Closed the polls at six o'clock?—A. Yes, sir.

Q. Canvassed the votes according to law?—A. Yes, sir.

Q. Made your returns to the commissioners?—A. Yes, sir; box sealed and returned to the commissioners.

Q. Was the election at the Stonewall engine-house conducted in a fair and impartial manner?—A. Yes, sir; the ballots in the box tallying with the names on the poll-list.

Q. Were there a good many colored people around the polls during the day?—A. Yes, sir; in the morning.

Q. Strangers to you?—A. No, sir; they were from West Point Mill; some were from Ten-Mile Hill, Rantowles, and Beleau's phosphate works.

Q. Were those that were constitutionally qualified allowed to vote?—A. They were.

Q. Was any complaint made to you about the election?—A. There was a complaint made by Mr. Bolger about these persons that came there to vote. I was away when they were swearing them; when I came up I recognized them and they recognized me, and they did not want to vote then. That was late in the day.

Q. On the ground that they were repeaters?—A. Yes, sir.

Q. You knew their real names?—A. Yes, sir; because they had been men that were formerly in my employ at Beleau's phosphate works.

Q. Was there any other complaints made?—A. Yes, sir; in regard to the age of some boys whom the managers did not believe were of age, and would not be allowed to vote until they could establish their age.

Q. How many were they?—A. I don't remember.

Q. Were the managers thoroughly convinced that they were not of

age?—A. Yes, sir; in two instances. One of them came back and voted.

Q. Did the colored Republicans attempt to intimidate their colored friends?—A. There were a party that came there, but the citizens of the ward turned out, and they were not intimidated.

Q. Were there a large number of colored men that voted the Democratic ticket on that day?—A. Yes, sir; more than usual; especially from West Point Mill; about forty or fifty votes.

Q. Were there any complaints or protest filed about the counting of the votes?—A. None at all. They expressed themselves very much pleased as to how it was carried out.

Q. Was the election spirited on the part of the Democrats?—A. More so than I have seen it for years.

Q. Was it spirited on the part of the Republicans, or were they demoralized?—A. They seemed to be.

Q. Were there challengers, both Republican and Democratic?—A. Yes, sir.

Q. Were there any challenges made there?—A. None until about three o'clock that afternoon.

Q. Did the Republican challengers have as much chance as the Democratic challengers?—A. Just as much.

Q. Did the colored people vote their tickets openly or disguised?—A. Early in the morning they did.

Q. From the general talk and sentiment of the community was there any doubt about the triumph of the Democratic ticket? Did not the Republicans take great exceptions to the character of the ticket that was nominated by the State street convention?—A. There was some exceptions taken to the ticket. I heard a Republican say that he thought the interest of the Republican party was injured by certain names on the ticket.

Q. I believe Mr. Mackey got a majority at that poll?—A. No, sir.

Q. Ward four has always been a large Democratic ward?—A. Yes, sir; that precinct has always given a very large majority.

Q. Did you leave your post at all during the day?—A. I was there from six o'clock in the morning until daylight the next morning, until the box was sealed, except going from the front of the building to the rear to get a glass of water.

Q. Mr. Wallace is the Republican United States marshal?—A. I believe so.

Q. His deputies, so far as you saw, were Republicans?—A. No, sir; one of his deputies was manager in ward eight.

Q. The sheriff is a Republican?—A. Yes, sir; reported to be so. He has been one of the leaders.

Q. His deputies are Republicans usually?—A. Yes, sir.

Q. The clerk is a Republican, Mr. Ostendorff?—A. Yes, sir.

Q. Dr. Collins, the coroner, has been a Republican?—A. Yes, sir.

Q. The prosecuting officers of the United States courts, Mr. Northrop and Mr. Mackey, are Republicans?—A. Yes, sir.

Q. What is the general feeling of Democrats on the question of obtaining justice from a test-oath sifted jury; would they expect to obtain justice in a political matter?—A. I don't think they would hope for justice; they might hope for it, but would not get it.

Q. Would either a Democratic white man or colored man hope to be acquitted before such a jury if a charge were brought against him by a Republican deputy marshal?—A. I don't think there would be any hope for him.

Q. And that is the feeling you think generally among the colored as well as the white Democrats of this section ?—A. Yes, sir.

Cross-examination by E. W. M. MACKEY, contestant :

Q. For whom did you vote for Congress ?—A. M. P. O'Connor.

Q. Are you a Democrat ?—A. I am.

Q. Were the other managers at that poll Democrats also ?—A. I believed them to be Democrats.

Q. In what county is Buleau's phosphate works ?—A. It is near the line of St. Paul's.

Q. Did the board of managers at that poll refuse all persons coming from Buleau's phosphate works the right to vote ?—A. No, sir; there were but a few that came from Buleau's proper. There was a man who presented himself to vote, and the managers said, "What do you want here; you just came here and voted under the name of Morgan." I asked him where he came from, and he said he had been over to the Charlestown mining works. He said he had been up the road, and crossed over and came down Spring street ferry. I asked him if he voted there; he said yes.

Q. Did anybody else besides this person from Buleau's phosphate works fail to vote there ?—A. There were three others.

Q. Why were they not allowed to vote ?—A. Upon the admission of this man Freeman.

Q. Did Freeman state that these man had voted there before ?—A. He said, "We boys."

Q. Were those the only persons that failed to vote at your poll ?—A. The only ones except a boy under age.

Q. Were anybody from Ten-Mile Hill allowed to vote ?—A. No, sir.

Q. On what ground were they refused ?—A. Because they did not come down until the afternoon, and I had had this conversation with Freeman, and he said that they had crossed over Spring street ferry, and voted in ward eight already.

Q. What time did this conversation take place with Freeman ?—A. About three o'clock.

Q. What time did these men from the Ten Mile Hill come down ?—A. About four o'clock.

Q. Did Freeman give you the names of these men that came from Ten Mile Hill ?—A. No, sir; he said that all the hill bands had gone together there and voted.

Q. At the time these men from Ten Mile Hill offered to vote did anybody challenge their votes ?—A. Yes, sir.

Q. By whom were their votes challenged ?—A. Mr. Steinmeyer.

Q. One of the managers ?—A. Yes, sir.

Q. Did he have any other proof except what Freeman told you ?—A. No, sir; only what Freeman told me, that these men had come down in a body in the morning and voted.

Q. Did you arrest any one of these men for repeating ?—A. Yes, sir; but he was released.

Q. By whom ?—A. Maj. Buist; his father came and asked him to let him go.

Q. Were any other arrests made besides this one man ?—A. No, sir; after they seen the managers were posted about their actions they did not attempt it again; but they did attempt to vote at the Hope engine-house.

Q. How do you know that ?—A. Mr. Senir, who was sent around to watch them, came back and so reported.

Q. You say some Republicans objected to the names on the Republican ticket; who were they?—A. I cannot name them.

Q. Those Republicans who spoke to you, did they say they did not intend to support the Republican ticket on account of those objectionable names on it?—A. No, sir. There was a man in King street named Fewett, who said he did not like the ticket.

Q. Did not he afterwards support the Republican ticket?—A. He did.

Q. When you say there was no hope for a Democrat to obtain justice before a jury obtained by means of the test oath, don't you know that Democrats were acquitted by such juries?—A. On legal technicalities.

Q. The policeman who was charged with assaulting a deputy marshal, was he acquitted on any technicalities?—A. That may have been an isolated case. No Democrat that ever went into the United States court-house ever expected justice from a packed jury. I would not hope for it; it would be hoping against hope.

Q. As manager of election did you attend a joint meeting of the presidents of the several wards and the chairmen of the working committees at the headquarters of the executive committee?—A. On what evening?

Q. November 2nd, 1878?—A. No, sir; I did not go to that one; I went to one the evening preceding the election, and qualified, and got my instructions from the chairman.

Q. Who was the chairman?—A. Maj. Buist.

Q. Chairman of the executive committee?—A. Yes, sir.

Q. That was a joint meeting of the Democratic executive committee and working committees and the managers of election held on November 4th?—A. Yes, sir.

Q. What was the object of that meeting?—A. For to get instructions.

Q. What were the nature of those instructions?—A. That we were to open the poll at the proper hour, and close them at the proper hour. I forgot whether it declared how to expose the box or not.

Q. At that meeting was anything said about the qualification of voters?—A. Not a word.

Q. At that meeting did you see any tissue tickets?—A. No, sir.

Q. What kind of tickets were voted at your poll?—A. The white, tissue, and calico-back tickets.

Q. Were not four-fifths of the tickets found in that box Democratic calico-back tickets?—A. I should not say four-fifths, but about three-fifths. There were a good many white and tissue tickets found.

Q. Were there many tissue tickets found in your box?—A. Forty or fifty that were voted by colored men.

Q. How do you know those forty or fifty tissue tickets were voted by colored men?—A. Because there were seventeen voted by my own hands, and the balance of them I seen voted by men employed by the West Point Mill Company.

Q. Did you see any white men voting tissue tickets at your poll?—A. No, sir; the object of them was for the colored people.

Q. Did the colored people at your poll vote any else besides the tissue tickets?—A. There were some that had the manhood to come up and vote a calico ticket.

Q. Was that the number of colored Democratic votes cast at your poll?—A. No, sir.

Q. How many more?—A. In the neighborhood of three to four hundred. I judged that number, from the number of tissue tickets that I seen put in by colored people that I knew were going to vote the Dem-

ocratic ticket; and also from the number that I knew would vote it if they were protected. Being a resident of the ward for twelve years, I generally knew their feelings.

Q. With the exception of these fifty tissue tickets voted by these colored men, what kind of tickets did the other colored Democrats vote?—A. Some had the hardihood to vote the calico ticket, and others the white ticket in imitation of the Republican ticket.

Q. When a man voted the white ticket in imitation of the Republican ticket, how could you tell?—A. I would see him when he would come to the box, and note the citizens he would vote with; and I would consider he voted a Democratic ticket.

Q. How many voted the Republican ticket?—A. I don't know exactly.

Q. Were there as many voted the Democratic ticket as the Republican ticket?—A. No, sir.

Q. Has not the Stonewall engine-house always given a Democratic majority?—A. Always.

Q. Has not the majority been on this occasion much larger than on previous occasions?—A. Not as large as in previous elections.

Q. How many election precincts were there in your ward?—A. Formerly?

Q. In the last election.—A. Two.

Q. How many formerly?—A. Three.

Redirect examination by G. R. WALKER, counsel for contestee:

Q. Ten Mile Hill is on the east side of the Ashley River?—A. Yes, sir.

Q. St. Andrew's Parish is on the west side of the Ashley River?—A. Yes, sir.

Q. Charleston is on the east side of the Ashley River?—A. Yes, sir.

Q. The main State road is on the east side of the Ashley River?—A. Yes, sir.

Q. These parties from Ten Mile Hill, therefore, en route for Charleston, crossed the river to St. Andrew's Parish, and then when opposite to the city recrossed from St. Andrew's to Charleston?—A. Yes, sir.

Q. Landing at the foot of Spring street?—A. Yes, sir.

Q. Spring street is in the extreme northwestern part of Charleston?—A. Yes, sir.

Q. Stonewall engine house is about the center of Charleston?—A. Yes, sir.

Q. Persons landing at Spring street would therefore pass the Spring street poll, and through the various upper precincts en route to the Stonewall engine-house?

(Objected to by contestant as leading.)

A. They would have to come through ward six.

Q. And ward eight?—A. They would have to land in ward eight.

Q. They would have to land in ward eight, and pass through wards eight and six?—A. Yes, sir.

Q. You have spoken of the reduction of the precincts in your ward state whether such a course was or was not proper for the prevention of repeating.—A. Yes, sir; for formerly under the Republican régime they used to land at the foot of Bull street engine-house, and go and vote, and have been often detected at the Stonewall engine-house attempting to vote.

(Question and answer objected to by contestant as not in reply.)

Q. You say there were two precincts in your ward?—A. Yes, sir.

Q. Could not the legitimate voters of your ward have easily polled their votes at those two precincts ?—A. Yes, sir ; it was always thought so, that the vote was so small at the Smith street poll that the votes could be easily polled at the Stonewall and Hope engine-houses.

Q. Is it not usual for negroes from plantations or manufactories, especially, to vote in gangs ?—A. Yes, sir ; it is their habit of doing so ; they come to town in gangs, and they vote in gangs. As they vote in gangs, they generally assemble around the polling precincts in bodies as they come.

(Objected to by contestant.)

Q. Did Mr. Buist give you any improper instructions ?—A. Not at all. He only gave me instructions as to the duties I was expected to perform ; which was to open and close the box at the proper time ; and when I opened the box I found the instructions I had received the previous night.

Q. You have been questioned as to the instructions you received from the Democratic executive committee. Did not that committee have upon them the sole expenses of the election ?—A. From all that I could be able to ascertain.

Q. Did the State or the United States governments put up one dollar for the distribution of boxes, &c., or for the expenses of the managers, or the polling precincts ?—A. I think that was borne by the executive committee.

Q. Did the managers reject voters without honest conviction ?

(Objected to by contestant as leading and as not in reply.)

A. No, sir.

Q. Were any official protest entered before you for the rejection of voters, or other causes ?—A. No, sir.

Q. Any official protest filed with you, as to any legal question in regard to the election ?—A. No, sir ; they both expressed themselves as well satisfied with the whole affair.

Recross-examination by E. W. M. MACKEY, contestant :

Q. Did not Mr. Bolger, the Republican supervisor, during the day, protest on every occasion in regard to the rejection of voters ?—A. He asked me why I objected to some men and not others. I told him that it was only when I knew the man that I objected to him. I told him those were men that I knew as well as I did him ; and if they had known I was there they never would have come there.

Sworn to before me this 26th day of September, A. D. 1879.

[SEAL.]

JACOB WILLIMAN,
Trial justice & N. P.

In the matter of the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

SATURDAY, 27th Sept., 1879.

Court met pursuant to adjournment at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, South Carolina, before which court was present M. P. O'Connor, contestee, and his counsel, Geo. R. Walker, and also E. W. M. Mackey, contestant, and the following witness was examined, viz, Chas. F. Steinmeyer.

[SEAL.]

JACOB WILLIMAN,
Trial justice & Not. Pub.

Deposition of C. F. Steinmeyer.

CHARLESTON, S. C., September 27, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

C. F. STEINMEYER (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am 33 years of years; residence, Charleston; occupation, measurer and inspector of timber and lumber.

Q. Did you take any part in the election of 1878?—A. I was a manager at the Stonewall engine-house.

Q. Ward four?—Yes, sir.

Q. Who was chairman of the board of managers?—A. Mr. La Coste.

Q. Mr. La Coste stated in his testimony, yesterday, that the election held at that precinct was conducted strictly in accordance with the rules and regulations contained in your instructions from the commissioners, and fairly and impartially from the beginning or opening of the polls to the return of the ballot box, with the poll-list and other documents, to the board of commissioners that evening; do you corroborate that evidence, or not?—A. I do emphatically.

Q. Were there a great many colored people around the poll?—A. A great many during the early part of the morning, when we first got there.

Q. An unusually large number?—A. At least 200; there was over 100 in line; them that I saw were principally from St. Andrew's Parish. I watched that as a remarkable feature. A great many, when we asked them where they had landed, said they had landed at Spring st. and Moreland's wharf.

Q. Moreland's wharf is in the extreme southern part of the city?—A. Directly south.

Q. Would a person landing at Moreland's wharf have to pass by or through the city, leaving behind him wards one and two, and ward three?—A. Yes, sir; and the lower precinct of ward four.

Q. And a person coming from St. Andrew's Parish by the new bridge, by Spring street, would have to pass ward eight at the Niagara engine-house?—A. Yes, sir.

Q. What polls would they have to pass?—A. They would have to pass the Niagara engine-house, which is a little up from the new bridge, and then they would have to come by the Marion engine-house and the Washington engine-house.

Q. And the next poll down would be your poll?—A. Yes, sir; the Stonewall engine-house.

Q. Did you see or know of any colored men voting the Democratic ticket that day?—A. Dozens of them. I will state one thing, if Mr. Mackey don't object, which came under my observation. I will state that there were about 200 colored men in line about six o'clock in the morning when the poll first opened; I noticed the difference in the ballots they held; I suppose it was the way they were held. By request

at the close of the poll we counted the Congressional vote first. I remember that one half or nearly two-thirds of the tickets that were counted were Democratic.

Q. You found them at the bottom of the box?—A. Yes, sir; in fact there was a laugh going on about it; every one appeared to be so much surprised at it. I can state further that everything passed off very quietly, so much so that we were not called up before the Congressional committee to testify; this is the first testimony that I have given. The supervisor was there alongside of the table, and remained there through the whole counting of the votes.

Q. Were the Democrats at that poll active on the day of election?—A. Yes, sir; quite so, and a good many colored men were quite active.

Q. You mean for the Democratic party?—A. Yes, sir; I have been at a great many elections, though not occupying the same position I did at the last election, but as clerk, and I think it was as pleasant as any I have ever been to, in respect to quietness and good order about everything.

Q. Did you take an active part in the campaign?—A. I cannot say that I did, on account of my business; it was just at the time of year that I am kept very busy.

Q. Did the voters at that poll cast their votes folded or hold them up and vote open tickets, and just come up and put them in closed?—A. They voted in most every way; a good many of them, you could see just what their tickets were.

Q. Were the Republicans as active in that election as in previous elections?—A. No, sir; not by a good deal; in fact several that I saw there that I knew appeared to be very inactive.

Q. Who had been previously very active?—A. Yes, sir; at previous elections.

Q. Did the Republican party appear to you at that election, or during the campaign to be demoralized in its organization?—A. Quite so; they did not appear to be active at all, except in a few cases; there would be little spurts between different parties.

Q. Did not the Republican nominations that were made in State street for the legislature and county officers excite universal comment in the city?

(Objected to by contestant as leading.)

A. I can only speak from hearsay and public opinion amongst the negroes generally; it seemed to give general dissatisfaction. I handle a good many of them, and could hear a good deal of talk from them in my business.

Q. Were there not certain names on that county ticket put forth by the State street convention that were exceedingly odious both to the Republicans and Democrats?—A. By their expressions I should think so.

Q. Is there anything else that you wish to state in connection with the election that would benefit the contestee?—A. I cannot say anything more than that I have remarked already; everything appeared to go off very nicely. The supervisors were there and deputy marshals, and expressed themselves as well satisfied with what was done. They remained with us until the morning. I recollect Mr. Bolger calling my attention to the fact that a ticket had fallen on the floor, which I had not seen, showing that he was in a position that he could see everything that was going on. There were some eight tickets that we found folded together; we took them out, and after counting the other tickets we opened them, and found that they were Republican tickets folded to-

gether; the board decided that it was an evidence of fraud, and they were destroyed in the presence of all. I don't know anything else that I could tell you. I felt so satisfied with the fairness and squareness with which everything had been done, that when I heard the Congressional committee was coming here that I was willing to take a bet they would not call us. I think that was the only precinct that the managers were not examined.

Cross-examination by E. W. M. MACKEY, contestant:

Q. For whom did you vote for Congress?—A. M. P. O'Connor.

Q. To what political party do you belong?—A. Democratic.

Q. Did I understand you to say that when the polls were opened in the morning there were about 200 people in line, most of them colored people from the parish of St. Andrew's?—A. No, sir; there were about 200 persons in the line, but there were about one hundred or less from St. Andrew's, that I could discover.

Q. Most of those one hundred were from St. Andrew's Parish?—A. Yes, sir.

Q. How do you know at what place they landed in the city?—A. By their appearance and by their talk I could see that they were not citizens of Charleston, and we asked them, and they told us they came from St. Andrew's.

Q. In ascertaining that they came from St. Andrew's Parish, what did you do?—A. We allowed them all to vote until later in the day we received a note from the lower wards that they were repeating.

Q. Would persons from the parish of St. Andrew's landing at Moreland's wharf necessarily have to pass the polls in wards one and two?—A. Yes, sir; that is the most direct road.

Q. Moreland's wharf is at the foot of King street, and wards one and two are in Meeting street; would either the court-house poll or city hall poll be on the road from Moreland's wharf to the Stonewall engine-house, or would a person have to turn out their route?—A. They would be in their road, whereas to get to the Stonewall engine-house they would have to go two or three hundred yards out of their way.

Q. Where persons landed at Moreland's wharf instead of going up King street went up St. Philip street, would they not be on the direct road to the Stonewall engine-house?—A. They would; but they would pass the Hope engine-house.

Q. How far is the Hope engine-house from the Stonewall engine-house?—A. About three squares. The most direct road they could take would be through King street passing the Hope engine-house.

Q. Would persons from the parish of St. Andrew's landing at the foot of Spring street necessarily have to pass either the Niagara engine-house or Washington engine-house in order to reach the Stonewall engine-house?—A. They would not have to pass directly, but they would be closer.

Q. To persons landing at the foot of Spring street, is not the Stonewall engine-house nearer than the Niagara engine-house?—A. I should say the Niagara engine-house.

Q. Although the Niagara engine-house is actually the nearest, might not voters in order to reach the Stonewall engine-house take a road that did not run near the Niagara engine-house?—A. Yes, sir.

Q. It did not follow, then, that these persons landing at the foot of Spring street as a matter of course passed either the Niagara engine-house or Washington engine-house?—A. They would necessarily have to pass.

Q. You say they would necessarily have to pass?—A. Certainly, because they would have to pass them coming down.

Q. Will you please define what you mean by passing?—A. I cannot any more plainer than I did. I say they would not have to pass directly, but would leave behind these two precincts in coming to the Stonewall engine-house.

Q. Could you generally see what kind of tickets the voters cast?—A. Not to distinguish them between the two, but we could see there was a difference.

Q. What kind of Democratic ticket was mostly voted at your poll?—A. I cannot say definitely; there were a great many white ones and a great many calico backs; quite a number.

Q. Did not two-thirds of the Democratic voters at your poll cast the calico-back ticket?—A. I cannot say positively, because there were a great many kinds of tickets that were cast that I took to be Republican tickets that turned out to be Democratic tickets.

Q. Did you shake the box frequently?—A. We would shake it frequently; we would, whenever a vote went in, shake the box.

Q. You referred to certain names on the Republican ticket as being exceedingly odious; will you please state to what candidates you refer.—A. I cannot recollect now; speaking from experience among the colored people the entire ticket was generally so spoken of to me. At that time I could have called the names, but I cannot remember them now.

Q. (Handing Republican ticket to witness.) Look at that ticket and see if you can recollect the name.—A. Among the objectionable names mentioned were Bunch, Buttz, and McLaughlin; there were others, but I could not call them to mind now.

The Republican ticket here put in evidence by contestant and is as follows:

UNION REPUBLICAN TICKET!

For 46th Congress—2d District.

EDMUND M W MACKEY

For Senator.

JAMES B CAMPBELL

For House of Representatives.

Andrew Simouds

C G Memminger

Francis S Holmes

Edward McCrady, Jr

John H Thiele

Stephen H Hare

William J Brodie

James A Williams

Joseph J Lesesne

James Hutchinson

Nathaniel Morant

Frank Ladson

William G Pinckney

Renty K Washington

Andrew Siugleton

Warren N Bunch

James Singleton

For County Commissioners.

Louis Dunnemann

William H. Thompson

Richard Bryan

For School Commissioner.

Michael M McLaughlin

For Judge of Probate.

Charles W Buttz

Q. When you say the ticket was objectionable, do you mean that it was objectionable to Republicans or Democrats?—A. A great many of these people that were talking were negroes and I suppose they were Republicans.

Q. Did they say they intended to vote against the ticket on account of these objectionable names?—A. They signified their intention to scratch the names.

Q. Were any Democratic tickets found scratched in the box?—A. Yes, sir; a great many of them.

Q. As many Democratic tickets found scratched as Republican tickets?—A. I think not, because two-thirds of the Republican tickets were not straight tickets; I noticed that the name of C. H. Simonton was pasted on some of the tickets.

Q. When you say that two-thirds of the Republican tickets were scratched you mean that one of the candidates on the Republican tickets was scratched and the name of Simonton put on?—A. Yes, sir; the name was Thiele that was mostly scratched—it may have been Hutchinson or Washington, I won't be positive.

Q. Had not Mr. Thiele, over whose name the name of Mr. C. H. Simonton was pasted, declined to be a candidate?—A. I don't remember distinctly.

Q. Was not Mr. Thiele a German Democrat?—A. I know he was a German, but don't know whether he was Democrat or not; that is pretty hard to say.

Q. Have you ever known the Republicans to put forth a ticket that was not objectionable to the Democrats?—A. Not for the legislature; I suppose on account of the party relations whatever ticket they would put forth would be objectionable. As I understood it, the parties on that ticket were not only objectionable as Republicans but as men; I mean by that, representative men for the legislature.

Q. How many tickets did you say was found in the box folded together?—A. As well as I can remember there were eight. The tickets that we found were white tickets, seven inches long, and three or four inches wide, one ticket was partly folded so as to conceal that ticket, and edges folded over so that you would not discover the other tickets. The only way I discovered this was by feeling them.

Q. By the eight tickets found folded together, do you mean that eight tickets were all found folded together in one batch, or do you mean that you found eight batches of double tickets?—A. I found them in pairs, eight tickets equivalent to sixteen.

Q. Were all these Republican tickets?—A. Yes, sir.

Q. And you say they were all destroyed?—A. That was the decision of the board, that they were fraudulent votes and should be thrown out.

Q. Did not your instructions require you that whenever two or more tickets were found together to destroy one and count the other?—A. I don't know whether that was the wording or not.

Q. Is it not the law of the State that the managers of election in finding two or more tickets folded together should count one and destroy the other?—A. I heard of such a law. The Republican supervisor was present when we counted the tickets, and saw that the tickets were folded together.

Q. Did not the eight tickets that you opened and put aside for subsequent investigation, did they not bear the appearance of being folded together, and one put inside of the other?—A. I would not say that on my own responsibility, but from the way they were folded the managers decided that it was an evidence of fraud.

Q. As a matter of fact, were not these tickets, to which you allude, one within the other?—A. You could not call it otherwise. The proper expression would be, one to be partly folded, and then inclosed in the other.

Q. Were you not continuons in the room where the poll was held?—A. I don't think I was away at any one time more than two or three minutes.

Redirect examination by M. P. O'CONNOR, contestee:

Q. I think you stated in your explanation about these folded tickets, that they were so folded that in jarring the box they would have separated?—A. Yes, sir; I think so.

Q. And in that event they would have counted as two votes?—A. Yes, sir.

Q. You say you had received a message from the lower polls warning you that repeating was going on?—A. I think a note was sent from the upper precinct to that poll, and they sent the message to us.

Q. What time of day did you receive it?—A. About mid-day.

Q. That put you on your guard?—A. Yes, sir.

Q. After that you catechised them before letting them vote?—A. Yes, sir; I can say that we gave them the benefit in every instance.

Q. The deputy marshals that were around the poll, did you know them?—A. There were several there that I knew personally, but cannot call their names.

Q. Republican and Democratic both?—A. Yes, sir.

Q. Republican deputy marshals, as well as Democratic?—A. Yes, sir.

Q. Do you know the names of the Democratic deputy marshals?—A. I cannot call their names.

Q. Were the majority Republicans?—A. Yes, sir; I think so. There was one that I knew who was there that was a Democrat.

Recross-examination by E. W. M. MACKEY, contestant:

Q. In canvassing, did the number of votes found in the ballot-box correspond with the names on the poll-list?—A. With our poll-list the discrepancy was very small; but I don't remember the number now, I remember making the remark that I did not ever remember of its coming out so close.

Q. How did it compare after the destruction of those eight ballots?—A. A difference of three or four. There was a difference between the Republican poll-list kept by Mr. Bolger and ours.

Q. How much?—A. Something like a half dozen; he had either less than our poll-list or more, I don't recollect. There was a very small discrepancy, either five or six; not more, I don't think.

Q. After this discrepancy, did the number of ballots exceed the poll-list or the names on the poll-list exceed the ballots in the box?—A. There was a discrepancy; but I cannot tell you which way it was.

Q. Did not the destruction of these eight double tickets make the number of votes returned a few less than the number of names on the poll-list?—A. Between the poll-list kept by Mr. Bolger and the poll-list kept by us there was a discrepancy, between those two. In counting the ballots, Bolger conteuded his poll-list was correct, and we were satisfied ours was right. I don't recollect distinctly how they managed with their poll-lists; but I recollect the remark was made that the discrepancy was so small it was no use bothering about it.

C. F. STEINMEYER.

Sworn to before me this 27th day of September, A. D. 1879.

[SEAL.]

JACOB WILLIMAN,

Trial Justice & N. P.

In the matter of the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

MONDAY, 29th Sept., 1879.

Court met, pursuant to adjournment, at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, South Carolina, before which court was present M. P. O'Connor, contestee, and Geo. R. Walker, his counsel, and also E. W. M. Mackey, contestant, and the following witnesses were examined, viz: T. F. Fosberry, Jno. A. Mitchell, and Jno. Commins.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & Not. Pub.

Deposition of T. F. Fosberry.

CHARLESTON, S. C., September 29th, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County:

T. F. FOSBERRY (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded to him by contestee:

Question. State your age, residence, and occupation.—Answer. I am forty-three years old; residence, Charleston; occupation, ship-caulker.

Q. How long have you resided in Charleston?—A. Twenty-seven or twenty-eight years.

Q. What position did you hold at the last election?—A. Deputy United States marshal.

Q. At what ward?—A. At ward four, Hope engine-house precinct.

Q. At what time did you get to the polls?—A. I reached there about a quarter to six o'clock in the morning.

Q. Were you there when the polls opened?—A. I was.

Q. Did you see the box examined?—A. I did; it laid on the table with the mouth open to the street, so that everybody could see inside of it.

Q. What time was the box locked?—A. At six o'clock, and the voting commenced at six o'clock.

Q. Are you acquainted with Henry W. Purvis?—A. I am.

Q. Did he hold any position in the election?—A. He did.

Q. What position?—A. Republican supervisor.

Q. Who was the Democratic supervisor?—A. I forget his name.

Q. What time did Purvis arrive at the poll?—A. To the best of my knowledge, about a quarter past seven in the morning.

Q. After the voting had been going on about one hour and a quarter?—A. In and about that time.

Q. Had there been many votes received before his arrival?—A. There

had ; they came up pretty rapidly ; they had voted sometimes three and sometimes five at a time previous to his getting there.

Q. Did you remain at the polls all day ?—A. I did.

Q. How was the election conducted at this poll ?—A. Very quietly.

Q. And orderly ?—A. And orderly.

Q. You know W. B. Lucas?—A. I do.

Q. Is he a colored man ?—A. Yes, sir.

Q. A Republican ?—A. I could not say ; but I presume he is.

Q. Was he there ?—A. When I got there I did not see him ; but I saw him a short time after the pol's were opened.

Q. In what capacity was he there ?—A. He was clerk for Mr. Supervisor Purvis.

Q. Was he there all the time, or did he absent himself ?—A. He was absent pretty often during the day.

Q. Did he keep the Republican supervisor's poll-list ?—A. He endeavored to keep one ; when he got there he wanted to know from the Democratic clerk how many votes were cast ; the clerk told him he did not have time to tell him, but he could copy the names from his book if he chose to.

Q. Did he copy from his book ?—A. He went about to do so.

Q. Who was the Democratic clerk ?—A. I cannot recollect his name.

Q. Who were the managers there ?—A. James Martin, Zimmerman, and Levin.

Q. Do you recollect whether Lucas put upon his poll-list the names of the voters that the managers had taken before his arrival ?—A. I cannot say ; I do not know.

Q. Did you hear anything said, about the two poll-lists agreeing in numbers, to the managers ?—A. He made some remark of that kind.

Q. Did Lucas get to the polls before Purvis ?—A. Yes, sir ; I saw him there before Purvis ; I left the polls and informed Col. Mackey that Purvis had not arrived, and then went back to the poll, but he did get there about a quarter past seven.

Q. Was there a large number of persons around the poll ?—A. Yes, sir ; at that time, about half past six or seven o'clock in the morning, there was a considerable crowd outside the poll.

Q. Of what race or color ?—A. Colored.

Q. Did you know them ?—A. There were some that I knew, but a good many appeared to be country negroes.

Q. When was the ballot-box closed ?—A. Six o'clock in the evening.

Q. Did the managers proceed to count the votes ?—A. They did.

Q. State how the count was conducted after the poll was closed.—A. Mr. Zimmerman drew the tickets out, and as fast as he counted them he would turn them over to me and I would pass them over to the supervisor.

Q. Did they first count the tickets in the box to compare them with the names on the poll-list ?—A. They did.

Q. Were you close to the box ?—A. I was close up, looking right into it.

Q. When you first counted the ballots, were there more votes found in the box than names on the poll-list ?—A. I don't recollect; not to my knowledge; that is, I did not hear the managers say that there were.

Q. Did you see any tickets that were found in the box folded together ?—A. Yes, sir.

Q. How many ?—A. I saw several.

Q. Were there fifty tickets found with others enclosed in them ?
■ (Objected to by contestant as leading.)

A. There were about seventy or seventy-five; that is, including double ones and all; some contained thirteen and as high as fifteen in them; they were mixed up; some were Democratic tickets with Republican tickets enclosed inside of them, and some were Republican tickets with Democratic tickets enclosed inside of them.

Q. You say there were some that had Republican tickets enclosed inside of the Democratic tickets?—A. Yes, sir; there were.

Q. What was done with these tickets?—A. They were destroyed.

Q. How many tickets in all were counted; do you recollect?—A. I think about twelve hundred (1,200).

Q. You cannot recollect how many names were on the poll-list?—A. No, sir; I cannot.

Q. How was the election conducted that day as to fairness?—A. As far as I saw it was the fairest election that I had ever seen at that poll; everything was quiet and orderly.

Q. What was left in the box after the large-sized tickets were drawn out?—A. What they call tissue tickets.

Q. Were these tissue tickets folded?—A. There were some folded so small that it took some time to open them; they were like a little pill.

Q. Each folded by itself?—A. Each by itself.

Q. Did you see any of these tissue tickets before they were drawn out of the box?—A. I drew the attention of the supervisor to a colored man who had one in his hand outside, showing it to some other parties.

Q. Were these men that you saw with these tickets Republicans?—A. I should judge so.

Q. Could you tell what tickets the colored man voted that day; did they vote openly or did they put them in so as not to be discovered?—A. Some of them you could have; others came right up to the box and put them in.

Q. Did others deposit their ballots in a manner to avoid discovery?—A. They did; they had them already rolled up when they came to the box to be sworn.

Q. Did you see any Republican tissue tickets in the box?—A. I noticed some few of them, but not quite as small as the one you now hand me.

Q. About how many persons do you believe or recollect had voted at this poll before Purvis arrived in the morning?—A. To the best of my recollection between two hundred and two hundred and fifty; they voted very rapidly; sometimes they would come up three (3) in a batch and be sworn, and sometimes five (5) and vote.

Q. Did you notice many colored people voting the Democratic ticket that day?—A. I did.

Q. Did you notice any of them voting the checked back ticket that day?—A. Yes, sir; considerable.

Q. Did you hear any complaint made by Purvis or Lucas of any unfairness in the conduct of the election?—A. None, sir.

Q. Did you hear any complaint made by Purvis or any Republican about any unfairness in the manner in which the count was made?—A. None.

Q. Were the Democrats particularly active in the election at this poll in securing voters for their party?—A. They were.

Q. Did they have a strong working party at this poll?—A. They did, as far as I could notice.

Q. Did you see persons distributing among the voters around the poll these tissue tickets?—A. No, sir.

Q. Those you did see you saw in the hands of parties?—A. I drew

the attention of the supervisor to this party that I saw with one in his hand.

Q. Did you ever serve in any way, either governmental or otherwise, at any previous election at this poll?—A. I did.

Q. Did you notice whether the Republicans were as active and zealous to bring out their votes at this precinct at this election in 1878 as they were at any previous election when you were at this poll?—A. They were just as active, from what I saw.

Q. Did more colored people vote the Democratic ticket at this poll at this election than at any previous election that you had seen?—A. Yes, sir; I should judge they did; a great many more—that is, from what I have seen at previous elections.

Q. How many other deputy marshals were present besides yourself at that poll that day?—A. All that I saw was myself there.

Q. You did not distinguish any one else there?—A. No, sir; they may have been there, but I did not see them.

Q. The United States marshal, R. M. Wallace, did he visit the poll during the day?—A. He did.

Q. Were the colored people around the polls during the whole day?—A. They were.

Q. In larger numbers than the white people?—A. Generally they were in larger numbers.

Q. Has Ward four (4) always been a strong Democratic ward; can you speak from your own knowledge?—A. That has been my impression; but I never lived in the ward.

Q. If there is anything else that you would like to state that I have not interrogated you about, bearing upon the election, you can state it.—A. There is nothing more that I can remember.

Q. You gave testimony before the "Teller" committee?—A. I did.

Cross examination by E. W. M. MACKEY, contestant:

Q. When the polls were first opened were there many voters in line ready to vote?—A. There were.

Q. Was each voter who offered to vote sworn?—A. He was.

Q. And his name recorded?—A. And his name recorded.

Q. Previous to the arrival of Purvis were there any voters challenged?—A. Not to my knowledge.

Q. Previous to the arrival of Purvis were the votes of any voters rejected?—A. Not that I know of.

Q. Was this string of three (3) or four (4) voters at a time continuous or only occasional?—A. It continued for a considerable time; as soon as that crowd moved on another crowd would come in, sometimes four (4) and five (5) at a time.

Q. Do you mean to say that every time voters were sworn they were sworn in batches of four (4) and five (5)?—A. Yes, sir; there was a crowd around the poll.

Q. Previous to the arrival of Purvis were not some sworn singly?—A. Yes, sir; some were previous to his arrival.

Q. Then there were intervals between the swearing of each batch?—A. The crowd was there, but they would come in sometimes more sometimes less.

Q. Did not the crowd slack off sometimes?—A. Yes, sir; sometimes more and sometimes less.

Q. I mean early in the morning?—A. When the crowd would rush in they would allow four (4) and five (5) to swear at a time, and then it

would slacken off, and then they would come again in batches of four (4) and five (5).

Q. These voters that were sworn in batches, were they Republicans or Democrats?—A. To the best of my knowledge they were Republicans, though I saw them vote the Democratic ticket.

Q. You say they were Republicans?—A. Yes, sir; I saw Major Barker bring his servant to vote.

Q. Was Major Barker's servant a Republican?—A. I don't think so.

Q. How do you know these men that voted the Democratic ticket were Republicans?—A. I judged from their color that they were Republicans; but when I saw the tickets in their hands, I saw that they were voting the Democratic ticket; they had the checked-backed ticket in their hands.

Q. Then it is as a general thing usual to take every colored man as a Republican?—A. Generally.

Q. Of this crowd that was there early in the morning, did they seem to be residents of this city?—A. Yes, sir; I suppose so.

Q. The voters from St. Andrew's Parish did not come there until later in the day?—A. Some came there in the afternoon.

Q. Now, throughout the day was the access to the poll blocked up so that persons could not vote?—A. Yes, sir; it was.

Q. Did any man have to turn away from the polls because he had no opportunity to deposit his ballot?—A. No, sir; not that I recollect.

Q. Was the crowd around the poll much larger than is usually seen around there on election day?—A. I should think not.

Q. After Supervisor Purvis arrived, did he not keep his own poll-list?—A. After he got to the poll, the first thing I heard him say was to a colored man to give him a cup of coffee; the voting was then going on, and he was not keeping any poll list or record of the same.

Q. Who was keeping his poll list then?—A. I saw this man Lucas around there.

Q. Were you inside the room where the poll was held, or on the outside?—A. I was on the outside the greater portion of the day; when I was inside I was close to the barricade, looking outside into the street, a few feet from the sidewalk.

Q. You mentioned that you saw some tissue tickets in the hands of some colored Republicans during the day?—A. I did.

Q. About how many did you see?—A. I saw one that I drew the attention of the supervisor to; I saw in all about ten (10) or fifteen (15).

Q. How do you know that these men were Republicans?—A. From the way they had voted generally.

Q. These twelve (12) or fifteen (15) colored men, who had these Democratic tissue tickets in their hands, did you see them vote them?—A. No, sir; I did not.

Q. Well, how do you know that they were Republicans?—A. I could not say whether they were Republicans or Democrats.

Q. Were not these same colored Democrats around that poll?—A. I saw them vote the checked-backed Democratic ticket, and that was why I took them for Democrats.

Q. I desire to know how do you know that these twelve (12) or fifteen (15) colored men who had Democratic tissue tickets were Republicans?—A. I judged by the tickets I saw them vote.

Q. Did these twelve (12) or fifteen (15) men that had these tissue tickets vote the Democratic or Republican ticket?—A. I saw some vote the Democratic and some the Republican ticket.

Q. Do you mean to say that of these (12) twelve or fifteen (15) men

that had these tissue tickets, that some of that particular crowd voted the Republican ticket and some the Democratic ticket?—A. I do.

Q. Those (12) twelve or fifteen (15) tissue tickets all that you saw during the day?—A. Yes, sir; all that I saw until they commenced to count.

Q. When you commenced to count, and the box was opened, how many did you then see?—A. I think there were about some two or three hundred counted.

Q. You said you saw a few Republican tissue tickets; examine this ticket and see if that is the size and kind of Republican tissue ticket that you saw?—A. No, sir; I don't think it was.

Q. The few Republican tissue tickets that you saw, were they not larger than the Democratic tissue tickets?—A. Yes, sir.

Q. What kind of Democratic tickets did the colored Democrats generally vote?—A. The checked-backed ticket.

Q. You said after the large tickets were drawn out, that the tissue tickets were principally left in the box; what kind of tissue tickets were those?—A. Democratic tissue tickets; when we took out the larger tickets, the small ones fell to the bottom of the box.

Q. You say you served in some capacity at a previous election at that poll?—A. I did not mean that I served in any official capacity, but have worked at that poll in previous elections for one party or the other.

Q. When you say that your impression is that ward four (4) has always been a strong Democratic ward, do you mean to say that it has never gone Republican?—A. I do not.

Q. Has not that ward sometimes given a Republican majority?—A. I believe so.

Q. You say most of the voters came up with folded tickets; is that what I understood you to say?—A. I saw the largest portion of them come up with folded tickets.

Q. Were you standing near enough to the box to see what kind of tickets the voters deposited?—A. I was nearer to the box than I am to you; I was within three (3) or four (4) feet of the box.

Redirect examination by M. P. O'CONNOR, contestee:

Q. When you say that that ward, ward four (4), had given a Republican majority in some previous election, was there not a time in this city when the Republican party was in the ascendancy, and when they had everything their own way?

(Objected to by contestant as leading.)

A. Yes, sir.

Q. Do you, or not, know that a great deal of repeating had been carried on in previous elections, when the Republican party had the control of the government of the State and city?

(Objected to by contestant as not in reply.)

A. Yes, sir.

T. F. FOSBERRY.

Sworn to before me this 29th day of September, A. D. 1879.

[SEAL.]

JACOB WILLIMAN,

Trial Justice & N. P.

Deposition of I. A. Mitchell.

CHARLESTON, S. C., Sept. 29th, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County:

I. A. MITCHELL (colored), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am thirty eight years of age; residence, Charleston; and occupation, policeman.

Q. With what party did you act in the last election, of 1878?—A. With the Hampton party.

Q. The Democratic party?—A. Yes, sir.

Q. With what party had you acted previous to 1878?—A. I acted in 1876 with the Democratic party; in 1874, in the election of Chamberlain against Greene, I acted then with the Greene movement.

Q. Which was an independent movement?—A. Yes, sir.

Q. Chamberlain was the regular candidate, and Greene the independent candidate?—A. Yes, sir.

Q. And in 1872, before the election of Chamberlain, you acted with the Republicans up to that time?—A. Yes, sir.

Q. At what poll did you act and work at the election of 1878, last November?—A. Ward one (1), city-hall precinct.

Q. What time did you get to the polls that morning?—A. About half past five (5.30) or a quarter to six (5.45) o'clock.

Q. Will you state what you did during the day in connection with the election in furtherance of the cause of the party for which you were engaged?—A. The night previous to the election we had a meeting or wake; we called the meeting at eleven (11) o'clock, to adjourn the next evening at eight (8) o'clock; we then kept in the house about seventy-three or seventy-four men; they stayed all night with us; they were members of the colored club. The next morning, about (5.30) half past five o'clock or quarter to six (5.45) o'clock, we all marched to the polls. We had a little delay in voting; there were some citizens ahead of us at the time; about a quarter past six or half past six o'clock we commenced to vote, and put in the ballots of seventy-five or seventy-six men in rotation. The club then had in it about one hundred and four men; some had gone off that night.

Q. Leaving you some seventy or eighty men?—A. Yes, sir.

Q. And they went up to the polls with you in the morning?—A. Yes, sir.

Q. Those in the morning all voted the Democratic ticket?—A. Yes, sir; the ticket was given to them before they left the house; during the day these men went off and rallied up the other men, and they came to the polls and voted. I voted, myself, friends that did not belong to the club and hardly ever attended any meetings.

Q. Did you or not have a meeting of your club on the Saturday night previous to this meeting on Monday night?—A. I did, sir; on Saturday night and Sunday; we organized on Saturday night and enrolled on Sunday. I was then talking to some of the men as to the course I was going to take, and they agreed with me.

Q. When you went to the polls in the morning, was the poll crowded with colored people?—A. There were a great many country people from St. Andrew's Parish and James Island around there about a quarter past six o'clock, before I could get my men up to the ballot-box. As soon as they slacked off, I got my men in to vote; after these countrymen got through voting there were a very few colored people seen around the poll. There were more colored people this time that voted the Democratic ticket than I had ever seen before.

Q. Did you see a great many other colored men, besides those connected with your club, vote the Democratic ticket on that day?—A. I did.

Q. At the same poll?—A. Yes, sir; and I was in ward three (3) and saw a great many voted there.

Q. A good many voted in ward four (4)?—A. Yes, sir; at the Hope engine-house; I voted some four (4) or five (5) there myself.

Q. Was there not a large colored vote polled at ward one (1)?—A. Yes, sir; there was; we would have had a majority there, if it had not been for those country people from St. Andrew's Parish and James Island.

Q. Do you believe that a large majority of the colored voters, residents of ward one (1), voted the Democratic ticket that day?—A. They did.

Q. Do you think that the colored people had commenced to realize that it was to their interest to vote for the Democratic party?

(Objected to by contestant as leading.)

A. They had.

Q. Did those whom you asked to vote the Democratic ticket vote it willingly, or did you have to use persuasion?—A. They voted it willingly after I had told them the advantages to be gained by voting—it was to break up this government and get a good government; that we had been working for the Republican party and had been made the sufferers by it, and that we had to go back to the same men that we had formerly been cursing and spitting on and refused to vote for, and get them to give us a job.

Q. Previous to 1876 you were a Republican?—A. Yes, sir; I was a Republican up to that time.

Q. From your observation of the treatment which the colored people had received at the hands of the Republican party after they had held reins in the State, you thought it was for the advantage of the colored people to vote the Democratic ticket?—A. I did.

Q. And after 1876 you voted with the Democratic party?—A. Yes, sir, I have; that is, ever since the Greene movement.

Q. These men whom you got to vote in a body in the morning, did you use force or coercion to any of them to vote the Democratic ticket?—A. Not at all.

Q. You go a good deal among the colored people?—A. Yes, sir; all amongst them.

Q. You know nearly all the prominent colored people connected with the two (2) parties?—A. Yes, sir; I have the same club organized that I had at that election. There are about fifty seven (57) of us; we have held some two (2) or three (3) meetings.

Q. Did you hear the colored people express themselves as very dissatisfied with the county ticket which was nominated by the Republicans at the State street convention?—A. I did myself, for one, and several more.

Q. Did you hear any colored Republican people express themselves

in that way?—A. I heard some of them say that the party had nominated a bad ticket, but that they were going to stand by it with the exception of a few names.

Q. Did the announcement of this ticket have the effect of throwing cold water upon them?—A. Yes, sir; it did.

Q. And cause them to abandon the ticket?—A. Yes, sir.

Q. Is there anything else that you can state in regard to the election?—A. Yes, sir. I said to the men that my reason for not supporting the Republican ticket was on account of Mr. Mackey having made a bolt from the ticket, and that it was through him that the Republican party was split.

Q. That was one of the arguments that you used with them?—A. Yes, sir. Upon that a great many concluded not to vote the Republican ticket. I told them that we would be likely to have a square fight; that I knew who we had to fight against.

Cross-examination by E. W. M. MACKEY, contestant:

Q. In 1873, at the municipal election, when Mr. Wagener ran against Mr. Cunningham, for whom did you vote?—A. For Mr. Wagener.

Q. Was not Mr. Wagener the Democratic candidate?—A. He was.

Q. Then you voted the Democratic ticket at that municipal election?—A. I did.

Q. At the municipal election in 1871, when Mr. Wagener ran against Mr. Pillsbury, who did you vote for?—A. I voted for Mr. Wagener.

Q. Was not Mr. Wagener the Democratic candidate?—A. He was.

Q. And you voted the Democratic ticket at that election?—A. Yes, sir.

Q. In 1870, when Carpenter ran against Scott, for whom did you vote?—A. For Scott.

Q. In 1872, at the general election, there was no Democratic ticket in the field, was there?—A. Not that I know of.

Q. And in 1874 you voted for the same candidate that the Democrats supported?—A. Yes, sir.

Q. So that, with the exception of the Independent Republican ticket, you had not voted the Republican ticket since 1870?—A. Yes, sir.

Q. In 1872, when Moses and Tomlinson ran, for whom did you vote?—A. For Moses.

Q. Did not the Democrats in Charleston also support Moses as against Tomlinson?—A. I cannot answer that.

Q. What position do you now hold?—A. Regular policeman, on special duty.

Q. Under the Democratic administration?—A. Yes, sir.

Q. You were also a policeman under Mr. Wagener's administration?—A. Yes, sir; and remained there until Mr. Cunningham was elected, and then I was turned off.

Q. You were then turned off by a Republican?—A. Yes, sir; so called.

Q. What would you call yourself, a Democrat or a Republican?—A. A Republican.

Q. When you attended the Democratic meetings, did you call yourself a Democrat or a Republican?—A. I never was asked the question.

Q. Don't you belong to the Democratic organization of ward one (1)?—A. Not that I know of.

Q. Did you ever attend the Democratic ward meetings of ward one (1)?—A. I have not as yet. I attended one last week in ward eight (8).

Q. Have you ever voted at a Democratic primary election?—A. I don't know that I have ever so done.

Q. Are you not known all over this city as a colored Democrat?—A. No, sir.

Q. You say you are not so regarded?—A. No, sir; not amongst the whites or blacks.

Q. Neither whites nor blacks regard you as a Democrat, but as a Republican?—A. No, sir; I feel that way myself, that I am a Republican.

Q. When you arrived with your club early in the morning, how long did you have to wait before you had an opportunity to vote the first man?—A. About from a quarter past six o'clock to seven o'clock; it was so crowded there with those men from St. Andrew's Parish.

Q. You say you saw there some colored men from James Island?—A. Yes, sir; from James Island and from St. Andrew's Parish.

Q. Did you see any from James Island?—A. I don't know whether I did or not; but I know I saw some from St. Andrew's Parish.

Q. You cannot name anybody that you saw from James Island?—A. If I were sent for the men that I saw from James Island, I could bring them.

Q. Have you never tried to remember their names?—A. No, sir; I had no right to do so.

Q. When you were asking your colored friends to vote the Democratic ticket, did you tell them that you were a Republican?—A. I did.

Redirect examination by M. P. O'CONNOR, contestee:

Q. You voted for Scott in 1870; he was a Republican?
(Objected to by contestant as leading.)

A. Yes, sir.

Q. You voted for Moses in 1872; he was a Republican?
(Objected to by contestant as leading.)

A. Yes, sir.

Q. Was Scott a Republican in 1870?—A. He was.
(Same objection as above.)

Q. Was Moses a Republican candidate in 1872?
(Same objection as above.)

A. Yes, sir.

Q. Was Greene, the Independent candidate in 1874, a Republican?
(Same objection as above.)

A. Yes, sir.

Q. So that you invariably voted the Republican straight ticket prior to 1876?—A. Yes, sir.

Q. And it was only in the municipal election that you voted for Mr. Wagener against Mr. Pillsbury, and for Mr. Wagener against Mr. Cunningham in the two municipal elections of 1871 and 1873?—A. Yes, sir.

Q. When you say that you are a Republican voting the Democratic ticket, please explain why you, as a Republican, did vote the Democratic ticket in 1876 and 1878.—A. The reason why I changed was because of the way that I saw how the people were treated. I was working for this trial justice and that one, and got a piece of paper, and could not get my money for it; that has always been the case with the Republican party. I told them the only way to make a change was to get rid of these old fogies.

Q. When you voted the Democratic ticket, you did that for the sake of good government?

(Objected to by the contestant as leading.)

A. Yes, sir.

Q. When you held office under the Republican government you never got any pay but slips of paper ?—A. Yes, sir.

Q. Did you know of many Republican colored men who voted the Democratic ticket for the same reasons ?—A. Yes, sir.

Q. You believe in the organic principles of the Republican party, but at the same time you believe in honest government ?—A. Yes, sir. What most set me out with the Republican party was this: I had an uncle who was named Bonham, who was killed by this club called the "Hunkidori" club, at the corner of Archdale and Princess streets; when he was struck down he never spoke a word until he died from it. He died with the hemorrhage of the brains. That is what the Republicans did for him. The doctor did not know what it was, but I did.

I. A. MITCHELL.

Sworn to before me this 29th day of Sept., A. D. 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice and Notary Public.

Deposition of Jno. Commins.

CHARLESTON, S. C., Sept. 29th, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

JNO. COMMINS (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Q. Question. State your age, residence, and occupation.—Answer. My age is fifty-nine years; occupation, commission merchant; residence, Charleston.

Q. You have been engaged in chemistry and the manufacturing of disinfectants ?—A. Yes, sir. I am manufacturing disinfectants for Dr. Lebby now, at quarantine station.

Q. You have been the discoverer of some of the valuable deposits of this State ?—A. I was one of the discoverers of phosphates.

Q. And you have been the author of certain new inventions for the development of the natural and mineral resources of South Carolina ?—A. Yes, sir.

Q. What are your politics ?—A. I am an independent Republican.

Q. Do you know anything about the election of 1878 ?—A. I was not a manager, but I was at the poll they had on Sullivan's Island for about two (2) hours.

Q. Did a vast body of the colored people vote the Democratic ticket there ?—A. There was about three-fourths ($\frac{3}{4}$) of the colored people who reside on the island that voted the Democratic ticket.

Q. You know nothing about the election in the city ?—A. Nothing, only by hearsay.

Q. Do you know the proportion of the white and colored population on Sullivan's Island ?—A. In winter time it is about equal; in summer it is about three whites to one colored; perhaps four (4) to one (1).

Q. About this time, November 5th, was it about equal ?—A. No; I

think it was about two (2) whites to one (1) colored ; I think they were nearly equal.

Q. There was no sickness in Charleston in 1878 ?—A. No, sir.

Q. And the inhabitants of the city, the sojourners on the island, had left the island ?—A. Yes, sir.

Q. They were about equal at the time of the election ?—A. Yes, sir ; I think so.

Q. The colored people on Sullivan's Island voted the Democratic ticket cheerfully ?—A. Yes, sir ; those that voted them.

Q. You don't know anything about the election in the city ?—A. No ; only what I heard ; nothing that came under my special observation.

Q. Is there anything else that you wish to state generally that would benefit the cause of the contestee ?—A. I don't know anything except that there was a great deal of enthusiasm for the Democratic ticket ; though those who voted the Republican ticket appeared to be just as enthusiastic ; though the majority of enthusiasm was on the Democratic side ; I saw no intimidation at all.

Cross-examination by E. W. M. Mackey, contestant :

Q. How do you know that three-fourths (3) of the colored men on Sullivan's Island voted the Democratic ticket ?—A. I heard so from the managers, and judged so from the result of the election.

Q. You were told so ?—A. Yes, sir ; I saw some voting the Democratic ticket, and I saw some voting the Republican ticket.

Q. One of the managers told you that the majority of the colored people had voted the Democratic ticket ?—A. Yes, sir ; all the managers told me so.

Q. At the time of the election, were there not more whites on the island than colored ?—A. I think the real residents of the island were about equal at that time.

Q. What is the name of the poll on Sullivan's Island ?—A. Moultrieville poll.

Q. For whom did you vote for Congress ?—A. For M. P. O'Connor.

Q. Did you vote the balance of the Democratic ticket ?—A. I voted the straight ticket.

Q. The straight Democratic ticket ?—A. Yes.

Sworn to before me this 29th day of Sept., A. D. 1879.

[SEAL.]

JACOB WILLIMAN,

Trial Justice & N. P.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

TUESDAY, Sept. 30th, 1879.

Court met pursuant to adjournment at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, South Carolina, before which court was present M. P. O'Connor, contestee, and his counsel, Geo. R. Walker, and also E. W. M. Mackey, contestant, and the following witness was examined, viz, John H. Devereux.

[SEAL.]

JACOB WILLIMAN,

Trial Justice & N. P.

Deposition of John H. Devereux.

CHARLESTON, Sept. 30th, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

JOHN H. DEVEREUX (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in answer to questions propounded by contestee :

Question. State your age, residence, and occupation.—Answer. Age, thirty nine years; residence, Charleston; occupation, architect and contractor.

Q. You have lived here all your life!—A. Yes; that is, for thirty (30) years of it.

Q. Did you take any part in the late election of November, 1878!—A. Yes, sir; I helped in that election.

Q. What ward did you operate in!—A. In ward five (5).

Q. Were you present there during the whole day!—A. Yes, sir; off and on during the day.

Q. Was there a large concourse of colored people around the polls!—A. Quite a number of people there all day.

Q. Were their faces familiar, or did their faces appear to be strange to you!—A. There were a great many people there that were strange to me.

Q. Did it not strike you that many of the colored people were people from the country!—A. Oh, yes; I knew there were strangers there.

Q. Did anything special transpire during the day in the conduct and management of the election!—A. Nothing that I saw. It appeared to be orderly—no disturbance at all; the fact is, it was one of the quietest elections that I have ever seen.

Q. Mr. Barry stated that he was appointed one of the managers in the place of one Mr. Suran, by the action of the ward meeting at ward five (5), and that you were the bearer to him of his commission; did the ward do anything else but nominate him as a manager!—A. They had nothing to do with it.

Q. Did you hand him his commission!—A. I merely handed him a commission given me by Mr. Simons.

Q. There was no action taken upon it by the ward meeting!—A. None at all.

Q. The commission was handed you by whom!—A. By Mr. Simons; I took no part in the ward meetings during the canvass.

Q. Were you present during the counting of the votes!—A. A part of the time; but I left and went down to the hotel and went back again before they finished counting.

Q. What took place during the counting of the ballots!—A. The usual work of counting, drawing the ballots out of the box; when the election was over I was tired and fatigued; I was not there when they drew out the excess of tickets at all. I started down town and met some friends and walked with them to the Democratic hall. I went back when I thought that they were through counting, but when I got there they were still counting the tickets. As I went in, some one said that there

were two thousand (2,000) tickets more in the box than names on the poll list. Old *Wall* said something of that kind.

Q. Who was *Wall*?—A. He was representing Mr. Mackey.

Q. A Republican?—A. Yes, sir.

Q. How many tickets were in the box?—A. Somewhere about fifteen hundred. I asked him how in the world was that. He said, "They have been stuffing the ballot-box." I went over to the table where some tickets were and said, "What are these?" They said, "They are stuffers." I said, "Some of these are Mr. Mackey's tickets, and the stuffing has not been on one side." When they came across these stuffers they did not count them.

Q. What do you call stuffers?—A. A number of tickets rolled together; don't matter to which party they belong.

Q. How many do you suppose there were?—A. I did not count them; many were Republican tickets that I saw opened; those I picked up and opened I found to be Mr. Mackey's.

Q. Did you pick them up in order to see whether they were Republican tickets with Democratic tickets inside, or Democratic tickets with Republican tickets inside?—A. No, sir; I only opened them through curiosity. I stood by when they were counted.

Q. You say those tickets were rejected?—A. Yes, sir; they were all rejected at that ward. There are always mischievous people who will fold up several tickets together and put them in the box. I have hardly ever seen an election where such packages of tickets would not be drawn out of the box. I have been connected with elections for twenty (20) years one way or the other.

Q. Did they make up their count after they had arranged all the tickets and rejected what was called the stuffers?—A. All the tickets were put back into the box except the "stuffers," and the excess was drawn from the box by one of the managers, who was blindfolded.

Q. Could the blindfolded manager see what he was drawing from the box?—A. It was impossible for him to do so; he could not see. I don't believe that he could see if he had not been blindfolded at all. I was standing by the box watching attentively and could not see. The cover of the box was just raised up wide enough for him to put his hand in. If he could see, he would have had to see through a sheet of tin.

Q. Did he draw out as many Democratic tickets as Republicans?—A. I could not tell; I don't think anybody could, either. The tickets were taken out of the box and flung aside immediately; done with a view so as not to let anybody see them.

Q. Did you see Jno. M. Gregg there?—A. Yes, sir; he was at the table.

Q. Did he make any complaint that the drawing was not fair?—A. He said, "Don't separate those tickets"; but the difficulty was, the man could not help from separating the tickets, so as to draw one at a time. It was an impossibility for him to see the tickets. I tried to see them and could not, and I was not blindfolded.

Q. You did not keep an account of the excess?—A. No, sir; after the poll was closed, I took down the figures and went down to the Democratic headquarters to show them what was done there. One hundred and fifty-eight (158) tickets, stuffers as they called them, were drawn out.

Q. Is there anything else special that you remember?—A. No, sir; not unless you refresh my memory.

Q. You were only at the polls off and on?—A. Yes, sir; my business carried me away from the poll. What I know in relation to the same is what I have before stated, and is all that I remember.

Q. Have you been an employer of a very large number of hands in this city?—A. O, yes, sir; we work a great many white and colored hands.

Q. How many?—A. About five hundred (500) sometimes.

Q. Colored people?—A. About four-fifths ($\frac{4}{5}$) of them are colored.

Q. How many had you in your employ previous to this election?—A. I don't recollect.

Q. Did you have a hundred (100) employees?—A. O, yes; over that. One election that we ran a ticket of our own—at that time we had about five hundred (500) hands employed; we had a meeting of the hands or employees at the "Chamber of Commerce" building, and nominated a ticket of our own; we had a regular ticket printed.

Q. Did you have any difficulty in getting the colored men employed by you to vote the ticket which you would agree upon?—A. No, sir; never.

Q. You have been a watchful observer of past elections in South Carolina?—A. Yes, sir; I have noticed nearly every canvass during most of the previous elections.

Q. Do you not know that the Republican party have, in all the State elections and in some of the municipal elections, carried on a system of repeating on a successful scale?—A. I believe it was done, and if I knew who did it I would put the people in jail; it was the accepted belief of the people generally that it was the party tactics used by the Republicans in elections, and it was my belief.

Q. Do you, or not, know there has been intimidation used upon the colored people—upon those who desired to vote the Democratic ticket or give their support to the Democracy?—A. I have seen that myself, many of them; I remember on one occasion when myself and Col. Mackey met at the court-house, when one of my hands, Alex. Armstrong, wished to vote the Democratic ticket. Col. Mackey took the ticket out of his hand and insisted upon his changing the ticket; I put the two tickets in my hand and told him he could vote which one he pleased. I walked on with Alex, and the black people attacked him and wanted to know if he was going to sell out his country. He made some remark—I don't recollect the tenor of them now. When we got to the court-house Col. Mackey interfered and that made me angry. I said that Alex. Armstrong should vote which ticket he pleased. I cannot remember what election it was at; but I remember the occurrence.

Q. Was there not a good deal of general intimidation practiced in the general election of 1876?—A. O, yes; a great deal. There has been a great deal practiced in other elections.

Q. This intimidation was practiced by the colored people who knew their colored brethren were going to vote the Democratic ticket?—A. I witnessed one of these occurrences on the "Mt. Pleasant" ferry wharf when a mass of these demons was beating a colored man because he voted the Democratic ticket. I saw something that was even worse than that, when Lt. Fordham and myself saved the life of a white man that was attacked by a crowd near "Hibernian Hall," and it afterwards turned out that he was a Republican and a Northern man, a New Yorker; at that time those fellows were called Hunkidories. I hope I will never again witness such things in this world. All the descriptions that I have read about the murder of Capt. Cook by the savages never conveyed to mind the horror of that hour. On one occasion while I was chairman of the executive committee of the Democratic party, when Mr. Wagener was our candidate, at our club-house in Market street, the Republicans attacked them, breaking them up; it was reported to

us and I was called upon to protect those men and go into a fight with the Republicans under Mackey, but instead I called on Mr. Thomlinson to protect these people from these men. When I called upon the commissioners of election they told me that they did not commence their functions until six o'clock the next morning. I called upon Mr. Cunningham who was then a candidate, but in the mean time the meeting had disbanded. Some of our people were shot by the Republicans.

Q. Was there a change in this order of things after the city government fell into the hands of the Democrats?—A. Of course; we have had peace.

Q. And they have endeavored to persuade the colored people that they would be protected in the exercise of their political rights?—A. There has been, as far as I can see, practical protection; there has been peace; there has been no bad blood. The entire relation between myself and my colored people has changed now from what it was before the election of 1876. There is less restraint and more cordiality in our relations to one another.

Q. Have you not heard in former elections of the Republicans importing colored voters from the country into the city of Charleston?—A. O, yes; that was very common, to import them in large numbers. There was a proposition made to me by the faction that was trying to destroy Mr. Mackey to bring a lot of them into the city. They wanted to turn loose these country negroes upon Mr. Mackey's party. Many of the executive committee urged and insisted upon my taking them, but I rejected them. I was offered three thousand (3,000), with badges on them, if I wanted them; but I believed they would have burned down everything in the city.

Q. Do you know of a number of colored people voting the Democratic ticket in the election of 1878?—A. I believe they voted it.

Q. Was not the Republican party demoralized in strength among the negroes in the election of 1876?—A. Certainly they were. They were not so enthusiastic.

Q. Is it not known that there has been for many years a constant feud, resulting in two wings of the Republican party in this county?—A. O, yes.

Q. Those two wings were headed by whom?—A. By E. W. M. Mackey and C. C. Bowen. Mr. Bowen was generally considered the leader of the colored people in the country, but he had great strength in the city, too.

Q. And Mr. Mackey's power was in the city?—A. Yes, sir; Mr. Mackey had more friends in the city than Mr. Bowen.

Q. Were not those two factions arrayed against each other in the Congressional election of 1878? Was there not a candidate selected by the Bowen faction and Mackey faction? Was there not two aspirants for the Republican nomination, one supported by Mackey and one by Bowen?—A. Certainly; there were two candidates before the Republican convention.

Q. Now name them.—A. Taft and Mackey.

Q. Mr. Mackey supporting himself?—A. Yes, sir.

Q. Who was Taft supported by; what wing?—A. The Bowen wing. He lived by Bowen; he hung on to him like a leech. He told me at the Charleston Hotel that he was sure of the nomination.

Q. Did you not hear Republicans, pending this struggle for the nomination between these two rivals, express themselves in bitter terms against those that were opposed?—A. O, yes; I have heard some say they would vote for Mr. O'Connor—that is, if Mr. Mackey was nomi-

nated ; and I have heard Mr. Mackey's party say that if Mr. Taft was nominated they would vote for M. P. O'Connor.

Q. Do you or not believe that this feud between these two wings of the Republican party is still existing ; that its fires are covered apparently by a layer of ashes ?—A. I don't believe Mackey and Bowen will be ever able to be warm friends. Of course, I cannot tell what might happen. I saw more of the inside of that dispute than any other man in the State.

Q. I think you stated in your last answer that the perpetuity of this feud between those two wings are still alive ?—A. Yes ; I do.

Q. You recollect when the nomination was made in State street ?—A. I do.

Q. Was there not an outburst of indignation against that ticket ?—A. There was.

Q. Was not the ticket regarded as one that could not win ?—A. It was.

Q. What was the result expected after that ticket was announced ?—A. We thought we could get a great number of Bowen's friends.

Q. Was it not thought when that ticket was nominated that Mr. O'Connor would receive a large proportion of the Republican vote ?—A. Some of them thought so, and I did.

Q. Did any of them say they would not support the Radical ticket ?—A. Some of them told me so. Bowen told me himself that he could not carry any such a crowd of coons with him.

Q. Had the tide of victory turned more for O'Connor than it was before ?—A. We thought so.

Q. What do you believe, from your knowledge of the situation, was the purpose of Bowen—to support Taft, Mackey, or O'Connor ?—A. From what I saw, he was opposed to Mackey and did not want him elected to Congress.

Q. Have you not had an interview with Bowen, in which he expressed himself to the same effect as you have stated ?—A. Yes.

Q. Do you not know there were certain persons who were Republicans that had got up tickets for dissemination in the country with the name of M. P. O'Connor upon them ?—A. I do. I went to one of these men at midnight and asked him if all was right, and he said yes ; that these tickets had been given to one of the best political workers in the country ; he told me to make myself perfectly satisfied. I asked him who the man was giving out these tickets ; he told me it was Phillippy. I asked Phillippy myself since if it was true or not ; Phillippy told me yes, he had done all he could to elect O'Connor.

Cross-examination by E. W. M. MACKEY, contestant :

Q. For whom did you vote for Congress at the last election ?—A. I voted for M. P. O'Connor.

Q. Did you vote the straight Democratic ticket ?—A. I did.

Q. At what election were you chairman of the Democratic executive committee ?—A. Municipal election of 1875, when Cunningham ran against Wagener for mayor.

Q. Who was the Democratic candidate at that election ?—A. Jno. A. Wagener.

Q. Who was the Republican candidate ?—A. Geo. I. Cunningham.

Q. Did not the Democrats have managers of election at each poll ?—A. I believe they did ; I don't remember now.

Q. Were not the managers at each poll selected by the Democrats and appointed by the commissioners ?—A. I think they were ; we gave a certain number of names to the commissioners.

Q. Selected by your committee?—A. Yes.

Q. At that election, when you were offered a number of repeaters, was it not intended that those repeaters were to act in the interest of the Democratic candidate?—A. Yes.

Q. Have you ever been chairman of a Democratic executive committee at any other election?—A. No; but I have been a member of the executive committee in other elections.

Q. You testified to certain matters in relation to repeating at other general elections in the city; at what general elections do you know repeating to have been done by Republicans?—A. The one that made the most impression upon my mind was in 1875; I was more in direct control of my party at that time and had it brought to my attention more forcibly.

Q. Was not that a municipal election and not a general State election?—A. That particular election was.

Q. State at what general State election you have known repeating to be carried on by the Republicans?—A. At nearly every election since the war, to the best of my knowledge. At ward five (5) during the last election I went to a man who had been one of my rallyers when I was running the machine; he was then on the Republican side. In 1875 he worked with me. He was one of the Bowen party, but he worked with me. In 1878 he was acting with the Republicans. I went to him in the street; he had brought a crowd of negroes to me, apparently from the "Marion" engine-house. They looked by their dress like country hands; they were not city men. I said to him, "See here, Ben, you know you cannot run those in on me; I know your tricks pretty well, and if you attempt to repeat those negroes here I will have you put in jail; I want nothing but fair play." He walked off and left the place. I heard afterwards that he was arrested for attempting to vote a large crowd of negroes. I don't know for what offense he was arrested, but I believe he was arrested for repeating.

Q. What is the other name of this man?—A. Ben Mills.

Q. How do you know that these men you met had already voted at some other poll?—A. I believe so, but I am not positive as to the fact. When I challenged him he turned on his heel and walked off. If they had been honest voters they would not have gone off. I believed that then, and I believe it now. I find in dealing with men around the polls, especially black men, that where they are in the right they are stubborn, generally tenacious, and will insist upon voting. I can tell a repeater pretty much by the way he approaches the ballot-box. I will bet that in nine out of ten cases I will put my hands upon him.

Q. Previous to the arrival of Mills with these men from the country, had not other men been turned away from the polls?—A. I don't know of a case of that kind. I did not stay at the polls regularly; I went off up to Mr. Willis's farm with whom I had an engagement. The fact is I went out into the country, and when I came back I went home to dinner, and then came down town and went up to Lardy's wharf. That will give you an idea of what time I must have had at the polls. I was simply there visiting Mr. Aiken, and these men that I knew did not know anything about elections, had not bothered with politics for some time, but had turned out to help Mr. O'Connor.

Q. Did you say that Ben Mills was a Bowen man, or belonged to Bowen's faction?—A. I believe he did; I may have been mistaken.

Q. Do you know of any of the friends of Bowen at that poll who opposed the election of Mackey in 1878?—A. Yes.

Q. Can you name some of them?—A. I cannot recall any now.

Q. Do you know of any of the friends of Bowen, anywhere in the city, who opposed the election of Mackey in 1878 at the polls?—A. I heard one man that I had a talk with. He was around by St. Mark's Church where I was building at the time, and was thrown in with the colored people. He told me he would not vote for Mackey; that he would vote for M. P. O'Connor.

Q. Who was the man; can you give his name?—A. I rather not give his name; I don't want to hurt the man.

Q. Was his name W. H. Birnie?—A. Yes.

Q. Do you know whether or not Birnie took any active part in the election?—A. I do not; I don't remember seeing him during the day.

Q. Do you remember seeing any of Bowen's friends working against the election of Mackey at the polls?—A. I do not remember, because I was only at one poll. As to the colored men who were working for the Democratic ticket, I cannot tell whether they were Republican men or Democrats. At the election of 1875 the Bowen men and my men were all mixed up together. There were a number of colored people at ward 5 in this election that were working for the Democratic ticket and M. P. O'Connor like beavers.

Q. At what time in the morning did you see these country people around the polls?—A. About 10 o'clock a. m.

Q. Was that the earliest you saw them there?—A. Well, I was not at the polls until about 7.30 or 8 o'clock, and then I was there only for 5 minutes; I then went off and came back about 10 o'clock; I then met them with this man Mills.

Q. When you were there about 7 o'clock in the morning did you see any of these country people around the polls?—A. No; they were not around there then. When I went back there were persons around there that were repeating and doing all sorts of devilment that is carried on at elections. When I went back in the afternoon it was crowded with whites coming from dinner. There was then a pretty stout white vote there. The blacks had voted in the morning.

Q. Did the residents of that ward who desired to vote at that poll have any trouble in doing so?—A. Not to my knowledge.

Q. You mentioned having seen a number of tickets which you called stuffers; explain what kind of tickets you meant to describe by that term?—A. What I call stuffers is a number of tickets folded together so that they would appear that they had been put in the box altogether, whether they be thick or thin paper.

Q. About how many of these did you see on the table during the counting of the votes?—A. It is impossible for me to say how many tickets there were in the pile of loose paper lying on the table; there may have been one hundred and fifty or more, or there may have been less; I took up a bundle with 5 or 6 tickets folded together.

Q. What kind of tickets were these that you picked up?—A. They were thin paper tickets, or what has become famous as the tissue ticket; they were Republican tissue tickets.

Q. The Republican tissue tickets that you saw, were they not of the same size as the regular Republican tickets?—A. I cannot swear to that.

Q. (Handing witness Republican ticket.) Is this one of the tickets that you saw?—A. I believe that to be the ticket.

(The following is the ticket put in evidence:)



UNION REPUBLICAN TICKET

For 46th Congress—2d District.

EDMUND W M MACKEY

For Senator.

JAMES B CAMPBELL

For House of Representatives.

ANDREW SIMONDS
C G MEMMINGER
FRANCIS S HOLMES
EDWARD McCRADY, JR
JOHN H THIELE
STEPHEN H HARE
WILLIAM J BRODIE
JAMES A WILLIAMS
JOSEPH J LESESNE
JAMES HUTCHINSON
NATHANIEL MORANT
FRANK LADSON
WILLIAM G PINCKNEY
RENTY K WASHINGTON
ANDREW SINGLETON
WARREN N BUNCH
JAMES SINGLETON
For County Commissioners.
LOUIS DUNNEMANN
WILLIAM H THOMPSON
RICHARD BRYAN

For School Commissioner.

MICHAEL M McLAUGHLIN

For Judge of Probate.

CHARLES W BUTIZ

Q. Besides these five or six tickets that you picked up did you examine any others of that pile?—A. I did.

Q. Were not they Democratic tissue tickets?—A. I saw Democratic tissue tickets on the same table in this same pile, and at the same time.

Q. Did you try to ascertain how many of that pile were Republican and how many were Democratic tissue tickets?—A. I did not.

Q. The Republican tissue tickets which you saw, how were they folded?—A. They were folded together.

Q. How many were folded together?—A. I only examined this one lump, and if my memory serves me aright there were 5 or 6 tickets together in that lump.

Q. After this pile of tickets were destroyed was there not still an excess of tickets in the box over the names on the poll-list?—A. Yes.

Q. In drawing out the excess of tickets were you present?—A. Yes; I was standing right alongside of the managers.

Q. Could you see what kind of tickets were drawn out?—A. You could not see.

Q. When they were handed to the manager to destroy or fling away, could you then see what kind of tickets they were?—A. I could not; I tried my best to see, but could not.

Q. Who drew these tickets out?—A. A man by the name of Sarvis.

Q. Who destroyed them?—A. I don't know.

Q. To whom were they handed as they were drawn out?—A. I don't know which one held the tickets; there were 3 or 4 men standing around there, but I don't remember whether it was Gregg, or Berry, or who else, that held down the tickets.

Q. If the manager who drew them out could not see what kind of tickets there were in the ballot-box, could he not feel what kind were there?—A. I don't think it was possible for him the way the box was packed with tickets.

Q. Was there not a great difference between the small Democratic tissue tickets and the other tickets in the box?—A. There was; but if you could have seen how the box was packed with tickets you could readily see the trouble there was to separate these tickets; this box was full of these tickets.

Q. You say, however, that Mr. Gregg did request the person who was drawing them out not to feel for those tickets?—A. He certainly did so.

Q. You testified about having a great number of people in your employ—about many were in your employ at the last election?—A. Taking all around there was about 100 to 200 people.

Q. Of these people who were in your employ how many did you see vote?—A. Only the few people around my house. They came and asked me at the poll for tickets. The hands. I don't remember voting with them.

Q. Was it an impossibility for you to tell how the people in your employ voted?—A. I cannot tell. One of my hands came to me and asked me how he should vote, and I told him to vote as he pleased. I know how 2 or 3 of my men voted at ward 5, where I was.

Q. You mentioned about having a ticket printed in some election. What election was that?—A. In the Carpenter fight.

Q. It was not the last election?—A. No.

Q. It was several years ago?—A. Yes.

Q. You have testified in regard to intimidation of Democratic colored voters in previous elections. Was there any such intimidation in the last election?—A. I was not in the way of seeing it if there was. There was none at ward 5 that I saw.

Q. Colored men at the last election who desired to vote the Democratic ticket, could they not do so without running any risk?—A. I think they could at ward 5. Colored Republicans and colored Democrats were all laughing, talking, and eating together.

Q. With the government of the State and city in the hands of the Democracy, was there any danger at the last election in a colored man voting the Democratic ticket?—A. I don't think there was.

Q. Previous to the election did you have any reason to apprehend that there would have been any danger?—A. No. I did not. We anticipated that if anybody wanted to vote our ticket, they could do so without being knocked down. We were prepared to protect them.

Q. Was there any division in the Republican party at the election of 1878?—A. I think there was.

Q. Was there any division at the election of 1876?—A. I don't recollect if there was any division then. I think they were united.

Q. Did not Bowen and Mackey both unite in the support of the Republican ticket in 1876?—A. I believe they did.

Q. Were they not both candidates on the same ticket in 1876?—A. I think they were.

Q. Do you mean to say, then, that after the election of 1876 the feud in the Republican party between Bowen and Mackey was renewed?—A. I think it was renewed. I believe that firmly. I was almost in daily contact with Bowen, and I know his feeling was very bitter against Mackey.

Q. How many Republican tickets were in the field at the election of 1878?—A. Only one that I know of. There was but one set of Republican candidates.

Q. Do you know of any organized opposition in the Republican party to the election of the ticket that was nominated by the Republican convention?—A. Not to my knowledge.

Q. Do you know of any movement on the part of the Republicans to oppose the election of that ticket?—A. Yes; I knew there was a movement on foot.

Q. Give the particulars.—A. Yes, I can. I got a message from Bowen through Capt. Gannon, of the ferry co. steamer, that an arrangement might be made to secure the election of O'Connor if certain public men in the city here would meet Bowen and have a chat. I arranged for the interview between several prominent Democrats and Bowen to be held at my office. Such a meeting was held.

Q. What was the result of that meeting?—A. The result of that meeting was that Mr. Bowen was to do what he could to elect O'Connor.

Q. Do you know whether or not he did so?—A. I believe he did what he could; I believe he kept his promise. I know it as well as I know anything that I cannot prove.

Q. What did he do?—A. I believe that he did all that he could in his way electioneering for O'Connor. I cannot state now exactly what he did do, but he did all that a man can do when they want another man elected.

Q. Do you know anything within your own knowledge that he actually did?—A. I was on the executive committee of the Democratic party, and after I brought these parties together I withdrew. I could not have a personal knowledge of what took place afterwards, because I was not in control at that time; I simply brought the parties together. I had very little to say in the matter.

Q. You say you heard a great deal of dissatisfaction expressed about the Republican ticket?—A. I did; a great deal.

Q. Did you hear any dissatisfaction expressed about the Democratic ticket?—A. I don't remember that there was any fault found with our ticket.

Q. Did you hear any number of Republicans say that they would not vote the Republican ticket on account of those nominations?—A. I heard a great many say so; I heard a great many say that they would not vote for you.

Q. You say that you believe that a number of colored men voted the Democratic ticket in 1878. How many do you know of having voted the Democratic ticket in the last election?—A. I cannot tell; I would not pretend to say.

Q. Did you see very many people vote at all, actually put their ballots in the box?—A. No, I did not; I would stand by the box a few minutes and then walk off.

Q. What is the name of the person to whom you went the night before the election to see about Republican tickets with the name of Mr. O'Connor being distributed in the country?—A. M. H. Collins. I asked him if everything was safe for the old sod?

Q. Did you ever see any of those tickets?—A. No, I never saw any of them. He said Phillippi was attending to that.

Q. Did you see anybody with them on the day of election?—A. I did not; I saw none in the streets. He was to operate in the country.

Q. Did you see anybody that had ever seen any in the country?—A. I know of none. We elected O'Connor and I was satisfied; I did not any longer bother about it.

Q. Have you any reason to believe that Collins's statement was true?—A. I believed at that time that Collins was telling the truth.

Q. Did you believe it afterward?—A. I had no reason to disbelieve it.

Redirect examination by M. P. O'CONNOR, contestee:

Q. I believe you stated that there were some other colored people besides Birnie around St. Mark's church who told you that they were going to work for the election of O'Connor?—A. Yes.

Q. You stated that there were about 100 of these tickets that you call stuffers, in which there were 4, 5, or 6 tickets folded together. Do you mean to say that there was 100 different bundles, or about 100 tickets in all the bundles?—A. In all the bundles. There was no violence used to coerce the colored men to vote either way.

Q. Have not the colored people by the party pressure and by the indoctrination of the idea that it was a badge of virtue to their race to stand by the party from fear of social and religious ostracism?

(Objected to by contestant as leading.)

A. There is no doubt about that.

JOHN H. DEVEREUX.

Sworn to before me this 30th day of Sept., A. D. 1879.

JACOB WILLIMAN,
Trial Justice & N. P.

In the matter of the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

WEDNESDAY, Oct. 1st, 1879.

Court met pursuant to adjournment at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, South Carolina, before which court was present M. P. O'Connor, contestee, and his counsel, Geo. R. Walker, and E. W. M. Mackey, contestant; and the following witnesses were examined, viz: T. L. Quackenbush, C. E. G. Fell, Geo. Lamb Boist.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & Not. Pub.

Deposition of T. L. Quackenbush

CHARLESTON, Oct. 1st, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

T. L. QUACKENBUSH (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in answer to question propounded:

Question. State your age, residence, and occupation?—Answer. I was 67 last July; reside in Charleston since 1836; and am a master joiner by profession. I was also a merchant until 1862, when the war became flagrant, when I left the county, and came back in 1874.

Q. Did you take a part in the election of 1878?—A. I did.

Q. Did you form one of the working committee, ward 3, Market hall precinct?—A. Yes.

Q. Were you at Market hall precinct all day of the election?—A. I was.

Q. What time did you arrive there in the morning?—A. I went there from a quarter to a half hour before the polls opened, and deposited the first ballot.

Q. Was that poll opened punctually at 6 o'clock?—A. It was.

Q. Were there any people gathered around the poll at that early hour in the morning?—A. Not a great many; not more than usual on election day.

Q. Were the supervisors there?—A. They were there off and on during the day.

Q. They absented themselves sometimes?—A. Yes; but there was one there more or less all day.

Q. Did you rally a good many voters that day?—A. I don't think they required to be rallied; they were all straight-out Democrats.

Q. Did not citizens from all parts of the city vote at that poll?—A. Yes; a great many from wards one and two, and a number from ward six. Mr. Colcock voted there; I know there were quite a number from the different wards.

Q. Did E. C. Williams from ward one vote in ward 3?—A. There were a great many citizens from other wards voted there.

Q. Were there not a great many from the lower wards?—A. Yes; a great many from wards 1 and 2.

Q. Did Mr. Williams vote a tissue ballot?—A. Yes, he did.

Q. Did many others vote tissue tickets there?—A. It appeared to me all voted them.

Q. The small ballots?—A. Yes.

Q. Were you distributing them that day?—A. Yes.

Q. Were they on the tables?—A. Yes.

Q. On the tables all day, opened to the view of everybody?—A. Yes.

Q. Did the colored people vote them?—A. Every one that came there voted them. There may have been some that voted the large ticket.

Q. A good number of the colored people voted the tissue ballot there?—A. Yes.

Q. Did you remain until the close of the polls at six o'clock in the evening?—A. I did.

Q. What deputy marshals were there that day; do you recollect?—A. I don't know that I do; there was a colored man around there who was making a great deal of fuss.

Q. Was there some person around there who was pretending to act as a deputy marshal, and was very boisterous?—A. Yes; and he was told to skip.

Q. Did the parties that came there to vote take their ballots from the table, or did you hand them the ballots?—A. They came up to the poll, and I handed them the ballots, as I knew nearly every one of them.

Q. You say that this obstreperous man that you saw at the polls during the day was W. E. Elliott?—A. Yes.

Q. You say he was very obstreperous in his manner?—A. Yes.

Q. In the presence of the ballot-box?—A. Yes, on the platform; and some of the policemen told him that he must go down into the street if he wanted to make a fuss.

Q. Was he a Republican?—A. He said so.

Q. You did not remain for the counting of the votes?—A. I did not; I remained until they got everything ready and fixed for counting, then I left.

Q. From what you saw there that day was the election conducted fairly and squarely?—A. I thought so.

Q. You have been a life-long Democrat?—A. Yes; have not been anything else.

Q. Belong to the old Jackson school?—A. Yes; And. Jackson got my first vote.

Q. And you have been an observant of elections in Charleston?—A. I scarcely ever lost a vote in all the different campaigns.

Q. From your intercourse with the colored people in this last campaign did you estimate that a great many voted the Democratic ticket. (Objected to by contestant as leading.)

A. That is hard for me to say, because I had very little to do with them, because I had no faith in them.

Q. There was a very large vote polled that day?—A. Yes; a tremendous vote; it seemed to me to be a continuous vote.

Q. Is there any matter that you wish to state about the election held at that poll about which I have not interrogated you?—A. I don't think that there is; I think our party was honorably elected.

Q. Was there great enthusiasm for Mr. O'Connor?—A. There was—all through the town.

Cross-examination by E. W. M. MACKEY contestant:

Q. You were specially interested in the election of Mr. O'Connor?—A. I was. I wanted to see him fill the position that he was working for.

Q. You voted for him?—A. I did.

Q. Of the vote polled at your precinct during the day, was not the greater part of it white voters?—A. I should think it was.

Q. Were not the number of colored men that voted at that precinct very small in proportion to the whole number of votes cast there?—A. I don't think so.

Q. Of the whole number of persons who voted there, how many do you estimate were colored?—A. I would not undertake to estimate that.

Q. Do you think 200 would cover it?—A. I should think more than that.

Q. Can you form any idea about how many colored men there were?—A. I cannot estimate it.

Q. Of the colored people who voted at that poll were they residents of the city of Charleston?—A. I suppose so.

Q. Did any colored people from the country vote at that poll?—A. That I could not answer. I cannot tell the country negroes from the town negroes. I was told that there was some.

Q. By whom were you told that some from the country voted there?
—A. By some of the leading men around there.

Q. Were you told so by any of the managers?—A. No.

Q. Did you see any colored voters from the country at that poll after that?—A. Judging from their dress and appearance, there were a great many; our town fellows appeared to be more tidy than these countrymen.

Q. Did you actually know, however, of any colored people from the country that voted at that poll?—A. I did not.

Q. Those voters from wards 1 and 2 that voted at that poll, were they not white voters?—A. Yes.

Q. All known residents of the city?—A. Yes.

Q. Were not all the white voters that voted at that poll well-known residents of Charleston?—A. I did not know that any white countrymen came there to vote.

Q. When the poll first opened in the morning was there much of a crowd around it?—A. A considerable crowd.

Q. How large a crowd?—A. There might have been about 75 or 100. There was a large crowd during the morning, and I said that I would like to put in the first ballot. I said this is the 43rd vote I have polled in ward 3; and I had the privilege allowed me, and I put in the first vote at that poll.

Q. How long did that crowd continue there?—A. It seemed to me the whole time; they had just as much as they could do to write their names down. They were coming from both sides of the stairway. They would come up one way and pass down the other.

Q. Did that keep up the whole day?—A. They were busy all the time.

Q. Were you there around that poll all day?—A. I was there from $\frac{1}{2}$ of an hour before the poll opened to the time when they were ready to count the votes. I then told the managers that I was tired and intended to leave.

Q. How do you know that the poll was opened punctually at 6 o'clock?—A. From the time-pieces.

Q. By whose watch was the poll opened?—A. By Mr. Lyons' and Mr. Long's watches. I believe they had 3 watches there. I believe it was Mr. Aimar who had the other watch.

Q. When you say a great many voted there from all the wards, can you tell if you recognized residents of all the wards voting at that poll?—A. I did not say "all the wards"; I said, "from the lower wards." I told you one man's name, Mr. Callahan.

Q. From what other wards than ward 6 did you recognize voters at that poll?—A. Wards 1 and 2.

Q. Those are the only two wards from which you can positively say you recognized voters?—A. I heard Mr. Callahan say that the gentleman that came with him was from the same ward.

Q. Were you in such a position during the day as to observe persons depositing their ballots into the box?—A. Yes.

Q. Did the voters generally vote open or folded tickets?—A. They were pretty generally open.

Q. Did you see any colored men voting the tissue ticket—the Democratic tissue ticket?—A. I did.

Q. Did they vote them openly or how?—A. They voted them the same as any one else.

Q. They voted them so openly that you could see what they were when they came to put them in?—A. Yes.

Q. Was there any attempt on their part to conceal their votes?—A. There was not.

Q. The white men you say voted them also?—A. Yes.

Q. In your direct examination you stated you had no faith in the colored population in regard to voting; what do you mean?—A. I will tell you what I know of them. They can tell you they are colored Republicans at the corner, and leave you 10 paces, and I would come up, talk with them, and could change them.

Q. Have you any faith in them as Democrats?—A. I have not.

Q. Is it not your opinion that a good many may promise you to vote the Democratic ticket and fool you afterwards?—A. Yes; that is my opinion.

Q. In your opinion there is no great reliance to be placed in those fellows who promise you to vote one way or the other?—A. No; there is not.

Q. You say you have been an observer of elections in the city of Charleston for the past 40 years; have you seen tissue ballots used in any general election previous to the last?—A. No.

Q. Was the last election the first time you ever saw tissue ballots in the city of Charleston?—A. Yes.

Q. To what political party did the managers of election at that poll belong?—A. I understood them to be straight-out Democrats.

Q. The clerk was also a Democrat, I believe?—A. I thought all honest men in town were.

Q. Don't you think there are some dishonest men in the Democratic party in the city of Charleston?—A. In their political views, no.

Q. I don't mean in their political views, but dishonest men?—A. Well, there may be some, but I regard all the Democrats in the city of Charleston to be honest men.

Q. At what time in the day did this occurrence take place in regard to W. E. Elliott?—A. If my recollection serves me aright it was in the afternoon.

Q. Please state as near as you can what o'clock it was?—A. It may have been between 2 and 3 o'clock.

Q. What was Elliott doing?—A. He was talking loud; he was on the platform talking to parties at the foot of the steps in the streets.

Q. What was he saying to them?—A. I could not tell you what he said; the police ordered him down; there were two or three occasions when the police had to interfere and remove colored men who were creating disturbances around the poll.

Q. By that talking was Elliott creating any disturbance at the time?—A. I don't know that he was; I don't think he was doing more than making a loud noise, and the managers had to order him downstairs.

Q. Were any other men removed by police in the same way?—A. Yes, I am telling you there were other men, but cannot recall their names.

Q. Were they colored men?—A. They were.

Q. Working for the Radical party?—A. They said they were.

Q. Besides talking, were they making any other disturbance?—A. They were offering their tickets to men who rejected them and did not want them.

Redirect examination by counsel for contestee:

Q. Were any of the parties that were ordered downstairs—were they not ordered down because they were disturbing the election?

(Objected to as leading.)

A. Yes, the board ordered them down for that reason.
 Q. Were they disturbing the conduct of the election?—A. They were.
 Q. Were they ordered down because they were Radicals?—A. No.
 Q. Were they using abusive language?—A. No, not abusive.
 Q. Were they using threats?—A. Not that I heard.
 Q. Were they ordered down because of their rude and abusive manner?

(Objected to as leading.)

A. That was it.
 Q. You stated you had a special interest in Mr. O'Connor election?—
 A. Yes, I did.

Q. Do you mean a direct personal interest, or merely a patriotic interest in the election of a good man?
 (Objected to as leading.)

A. I believe it was personal, and political for the party.

Q. You did not expect emolument from his election?—A. No.

Q. By special interest you mean nothing but public patriotic interest?—A. Yes.

Q. You have spoken of your difficulty in identifying strange negroes; is it not usually the most difficult thing for an ordinary white man to identify negro faces with which he is not familiar?—A. It is with me.

Q. Would not an ordinary manager of election find great difficulty in identifying unfamiliar country negro faces?

(Objected to as leading.)

A. I think so.

Q. Did I understand you to say that white voters came from ward 1 and 2, and again came from other wards?—A. They did.

Q. Are you not aware that Radical negroes are indirectly under the leadership of certain white men?—A. I think everybody understands that to be so.

Q. Republican negroes receiving secret orders adverse to Mr. Mackey, would they be likely to follow them?

(Objected to as leading and not in reply.)

A. I think they would.

Recross-examination by E. W. M. MACKEY:

Q. Who was considered their leaders?—A. I don't know, but I have been told Mr. Mackey is one of the head of them.

Sworn to before me this 1st of October, 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

Deposition of C. E. G. Fell.

CHARLESTON, October 1st, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

C. E. G. FELL (white), a witness of legal age, produced by contestee upon due notice to contestant, answers as follows in reference to questions propounded by contestee:

Question. What is your name?—Answer. C. E. G. Fell.

Q. What is your profession or business?—A. Planting.

Q. You are a son of the late rector of Christ Church Parish?—A. Yes.

Q. Episcopal rector?—A. Yes; and nephew of Bishop Gadsden, of this diocese.

Q. Were you one of the managers at Mt. Pleasant, Christ Church Parish, poll in the late election of 1878?—A. I was.

Q. Whose watch was that poll opened by?—A. A watch that I had in my possession, belonging to Mr. Horlbeck.

Q. State how it was that you opened that poll by Mr. Horlbeck's watch.—A. I did not have a watch, and Mr. Muirhead said that he had one. He was one of the managers. On the morning of the election, when he came to the poll, he said "he had no watch." I said, "It is necessary for one of us to have a watch." I said, "I will go to Mr. Horlbeck and get his watch." He had just returned from town that night, and I went and got his watch, and opened the poll by that watch.

Q. To the best of your belief, are you not firmly convinced that that watch was correct?—A. I am, and have no reason to think otherwise.

Q. Did that watch tally with any other watch there?—A. There was a man there named Lesesne, and his watch was 1 or 2 minutes faster than mine.

Q. At what time did you open that poll?—A. At 6 o'clock.

Q. Did you open and close the poll by that watch?—A. I did.

Q. And you firmly believe, on your honor as a gentleman, and on your oath now taken, that that watch was correct?—A. I have no reason to believe it was otherwise; it belonged to a gentleman who is always correct in his business transactions, and I have no right to believe that he is not correct in the keeping of the time.

Q. Was that box opened and shakened before the polls were opened publicly?—A. It was.

Q. It was publicly exposed?—A. It was.

Q. Did you personally put any improper ballots in that box?—A. No; I voted one ballot, and that was a tissue ballot.

Q. You voted it honestly and fairly?—A. I did.

Q. Did you see any ballots improperly put in that box?—A. I did not; only on one occasion when the supervisor said that there was a certain man that put in more than one ballot. I told him that I did not think it was more; but if he thought so, he ought to have stopped him.

Q. He did not protest until after the ballot was cast?—A. No; I told him I had no right to question a gentleman whether he was voting more than one ballot or not; but I supposed that the person had enough integrity and honesty to vote as a man should.

Q. Did you see anything unfair in the conduct of that election or in the canvass of the votes?—A. I did not.

Q. Were not the votes canvassed in accordance with the laws of the State, which were before you, and which were closely followed by you? (Objected to as leading.)

A. It was.

Q. Was not one of the candidates on the Democratic ticket very popular among certain negro leaders on account of various causes? (Objected to as leading.)

A. I suppose so; Mr. Walker is popular over there; he has done kindnesses for the colored people when they were in trouble; I take him to be a popular man if expressions mean anything.

Q. Was it not known that the Republican negro leaders had promised to aid the so called Walker ticket?—A. I heard that they did; I heard a great many say so.

Q. Are not the negroes largely in the majority in Christ Church Parish?—A. Yes.

Q. Would not those leaders jeopardize their position with their people if they openly and publicly voted the Democratic ticket?—A. That was so.

Q. Was it not essential for them to give their aid in secret?—A. Well, they so expressed themselves to me; to conduct the cause in that way that they could not come out openly, because they would be badly thought of by their fellow colored men and otherwise.

Q. If you were endeavoring to persuade a negro Republican to vote the Democratic ticket, would you urge him to vote an open Democratic ticket, or would you persuade him to deposit a small tissue ballot?

(Objected to as leading.)

A. I did all I could to get them to vote the tissue ballot; that was previous to my being a manager.

Q. You took no part or voice in the election after you became a manager?—A. No.

Q. Except voting your own ticket?—A. No, that is all; voting my own ticket.

Q. Was R. C. Brown, United States supervisor, ordered from the room in which the election was held by you or any other person?—A. I heard nobody order him out; all I heard Mr. Muirhead say was that he did not propose to furnish conveniences for anybody else but the managers.

Q. When Mr. Muirhead had this conversation with Brown what was Brown's position; in front or to the rear?—A. He was a little to the rear.

Q. Your position was behind the ballot-box?—A. Yes.

Q. And his position was to the rear of you?—A. Yes.

Q. When he removed himself, where did he remove to?—A. He went outside; Muirhead told him that he could not stay in the room with his consent. He said, "Well, I will go outside," and somebody got a table for him, and he took his seat right by the window. The ballot-box was right on a board up to the window, and he was close enough to put his hand on the box at any time.

Q. And could see the alleged repeating better than the managers behind?—A. He had as good an opportunity.

Q. Was his position better than the one he had before?—A. Better, I should say.

Q. He was behind you before, and now he was before the ballot-box?—A. Yes.

Q. Did he maintain that position all day?—A. Yes.

Q. No one prevented him from placing his hand on the ballot-box?—A. No.

Q. No one hindered him from placing his hand on the ballot-box?—A. No.

Q. The voting was by the same window where Brown sat?—A. Yes; all the voter had to do was to go up to the window-sill and place his ballot in the box.

Q. Was any protest filed with you about Brown?—A. None that I know of.

Q. In drawing out the excess of ballots in the canvass, did you act according to your fancy or directly in conformity with the written law?—A. I did not think fancy had anything to do with it; I acted in accordance with my written instructions.

Q. Were they placed in there by the United States supervisor?—A.

I don't know that they were placed in there by the United States supervisor, but I saw them in the box.

Q. Is it true that R. C. Brown was put out of the room in which the managers were by force?—A. No.

Q. Is it true that any State constables put him out?—A. No.

Q. Is it not true that he went out freely, without any force?—A. He did; but he made some further remarks while going out about not being bulldozed.

Q. There was an argument between himself and Mr. Walker as to his position?—A. Yes; I heard Mr. Walker say something about that.

Q. But no force was used?—A. No.

Q. He yielded to the argument and took a better position?

(Objected to as leading.)

A. I think his position was better; he was in our rear, and when he moved to the window he was in the immediate neighborhood of the box and could see the people putting in their votes, and could have touched the box at any time.

Q. Mr. Walker urged that he should be where he could see when the ballots were deposited?—A. I heard Mr. Walker tell him that that would be a better place.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Was not this argument by Mr. Walker, in regard to the right of Brown to remain in the room, addressed to the managers?—A. I don't know that it was particularly to the managers. I think Mr. Muirhead referred Mr. Walker to the law on the subject, whether the United States supervisor was allowed in the room or not, and Mr. Walker said that he did not think that it referred to supervisors outside of the city.

Q. Mr. Walker's opinion in regard to the right of the United States supervisor to remain in the room was expressed at the instance of Mr. Muirhead, one of the managers. Mr. Walker did not volunteer his opinion until the managers requested it?—A. We asked him what he thought upon the subject.

Q. Mr. Walker was the candidate on the Democratic ticket for the legislature?—A. He was.

Q. Was it after this expression of opinion by Mr. Walker that Mr. Muirhead said that Brown could not remain in the room with his consent or before?—A. I think he might have made the remark before, and he, knowing Mr. Walker to be a lawyer, asked him that he might get his opinion.

Q. Brown objected to going out at first?—A. He did; he said something about bulldozing; I don't know that he had any cause for making that remark.

Q. Do you mean to say that he went out voluntarily?—A. He said, "You don't bulldoze worth a cent," and then went out. I told Mr. Muirhead I did not think he ought to furnish conveniences for United States supervisors.

Q. Was he inconveniencing the managers in any way?—A. He had the table on which we were writing.

Q. Was not that table large enough for both?—A. I don't think that it was.

Q. Did not both keep their poll-lists on that table for a time?—A. I don't think they did.

Q. About what size table was it?—A. About two feet wide and three feet long.

Q. Who was your clerk?—A. Mr. Venning.

Q. Did Mr. Venning state that there was not room enough there for both of them?—A. No; he said nothing about it.

Q. Did Mr. Venning object to Brown occupying the same table?—A. I did not hear him make any objections to it.

Q. Have you any reason to believe that Brown would have gone out but for these objections?—A. I don't think he would have,

Q. Had he refused to have gone out, would the managers have allowed him to remain inside?

(Objected to by counsel for contestee on the ground that it is not proper or legal to ask what *might*, *could*, *would*, or *should* be done in a contingency which has never happened and never can happen, and therefore has nothing to do with the case.)

A. I don't know; that would be a question hard for me to answer, as I don't know what we would have done. I don't think, however, that I would have done anything wrong.

Q. Had not the managers determined that Brown could not remain in there?—A. I don't know how we could determine as to his not remaining in there; because when we made our objections to his remaining, he then went out.

Q. Were not your objections expressed so as to signify that he could not remain there?—A. All I heard Mr. Muirhead say was "that he could not stay there."

Q. Did not Mr. Muirhead say it in such a tone that he meant business?

(Objected to by counsel for contestee on the ground that the understandings and intentions of Mr. Muirhead cannot be testified to by the witness, and the question is therefore objected to.)

A. I cannot say that.

Q. Did Mr. Muirhead speak in a very mild or determined manner?—A. He spoke as he usually does; he was not at all excited; there was nothing to excite him.

Q. Is not Mr. Muirhead a man of considerable determination?—A. All that I know is that he was a good soldier during the war, and a man that has been a good soldier is generally determined.

Q. Was not Mr. Muirhead chairman of the board of managers at that poll?—A. Yes.

Q. The room in which the poll was held, and in which Brown was sitting; was it not a very large room?—A. Quite a good-sized room.

Q. At the time Brown was ejected, were there not a number of State constables in the room?—A. There were some two or three men in the room that might have been State constables. There were some State constables around there; but I paid no attention to that part of the business, because the poll was then opened, and I was not looking at what was going on.

Q. Were there any other persons in the room besides the State constables?—A. There were 2 or 3 outsiders. They may have been outsiders, but they were alongside of the door. They may have been State constables; but I did not ask them whether they were or not.

Q. Were there any candidates on the Democratic ticket in the room?—A. Mr. Walker may have been by the door. There might have been a State constable or two inside.

Q. Did the managers order them out?—A. All of them went out with Brown; I don't know that they went out *with* Brown; but after a while they went out; but I don't remember particularly what time they went out. I don't know whether or not they went out with Brown.

Q. Throughout the day did not Mr. Walker have access to the room whenever he wanted to?—A. Yes; he came in several times.

Q. Did not the State constables have access also?—A. Yes. It was no private room; it was a public room. It was the room we held the election in, and ought to have been public. We did not care about having a big crowd in there; but anybody, 1 or 2, that wanted to come in could come in.

Q. If the room was large enough to allow these different persons to come and go throughout the day, what was there particularly objectionable in Brown remaining there?—A. I don't know that there was anything particularly objectionable.

Q. Did not the chairman of the board say that he could not remain there without his consent?—A. He did.

Q. Did he say that to all the others?—A. He did not.

Q. He had no particular object in keeping out the others?—A. I don't think he had.

Q. When did you first see the Democratic tissue tickets?—A. I cannot now remember exactly the time.

Q. How many days before the election?—A. It might have been 1 or 2 days; I don't remember which.

Q. When was it that you used your influence to get the colored people to vote the tissue ballots?—A. Before the election.

Q. How many days before the election?—A. Several days.

Q. Were you exerting your influence in that direction the day before the election?—A. I don't remember.

Q. Two days before the election?—A. I cannot remember that. An occurrence of that kind a man is not apt to remember.

Q. Did you not continue to exercise that influence up to the day of election?—A. Yes; before I started to manage the polls; I did all I could for the party.

Q. Can you give the names of any colored men whom you saw vote the Democratic tissue tickets on the day of election?—A. I don't remember now. There were a good many that did; but I don't remember their names.

Q. Are you not familiar with the people over in Christ Church Parish?—A. Yes; I am.

Q. Well acquainted amongst both whites and blacks?—A. Yes.

Q. About how many did you see vote the Democratic tissue ticket at that poll?—A. I saw a great many; but I don't remember who they were particularly; I cannot remember the name of a single one. I may have remembered the name of one(1) or two(2); but where you see a great many people voting you do not note every man. I saw Clacius Brown and Billy Wilson. There were many others, but I don't remember them now particularly.

Q. Were these colored radicals or colored Democrats?—A. I don't know what they were.

Q. Do you know of any leading colored Republican that voted the tissue ticket?—A. I know that there were several leading colored Republicans who promised me and others to do all they could for the party, and said that they were willing to work for the good of the white people over there.

Q. Can you give the names of any of these Republican leaders who promised you that they would support the Democratic ticket?

(Counsel for contestee advises the witness, for the sake of political good faith, not to give the names.)

A. I don't care to name any men that were working in the cause.

Q. Who are considered the leaders of the Republican party in that parish?—A. There are a good many.

Q. Many whom you consider the leaders of the Republican party in that parish?—A. Their names are legion; every man who has a class is a leader.

Q. Who is considered the principal leader of the Republican party in that parish?—A. I don't know exactly.

Q. Is not C. F. North regarded by the colored people over there as a leader of the Republicans?—A. I don't know. I think North had changed in his sentiments, and the colored people have changed towards him.

Q. Was Supervisor Brown present when the box was exposed?—A. No; he came there a little while afterwards.

Q. Can you give the name of any Republican that was present when it was exposed?—A. They were all in the piazza when it was exposed; but I don't know who they were. I saw Mr. Muirhead open the box and expose it, and call up all to look into it.

Q. When Brown called your attention to this man who was voting more than one ticket, was he not by the ballot-box?—A. Yes; he was at the ballot-box. He said, "Mr. Manager, it looks like he put in more than one vote." I said, "If you thought so, you should have stopped him right off." He just said that "he would make a note of it."

Q. How many managers were there at that poll?—A. Two; the third did not come.

Q. Were both of them Democrats?—A. Both Mr. Muirhead and myself were.

Q. Was your clerk a Democrat?—A. Yes.

Q. At the close of the polls, when the votes were counted, did not the number of ballots in the box largely exceed the number of names on the poll-list?—A. It did.

Q. By about how many?—A. Somewhere about 300 or 400; I don't remember now the exact number.

Q. Was it not 500?—A. Somewhere in that neighborhood.

Q. Was it not 543?—A. I don't remember particularly.

Q. Was not the exact number of the excess 543?—A. I don't remember.

Q. When the managers ascertained that the ballots in the box exceeded the number of names on the poll-list, did it cause them any surprise?—A. It did.

Q. What kind of tickets were chiefly and mostly found in that box?—A. Printed tissue ballots and other tickets.

Q. What kind of tissue ballots?—A. Democratic.

Q. Were any Republican tissue ballots found in that box?—A. I don't remember any.

Q. Did the clerk of your poll keep a correct list of the names of persons who voted?—A. Yes, he did; and our list tallied with the supervisor's.

Q. Of the number of ballots drawn out, were not the gross number of them Republican tickets?—A. I don't think so. They were drawn out pretty equally. It was pretty hard for a man having his back to the box to tell.

Q. Who drew out the ballots?—A. The clerk.

Q. Mr. Venning?—A. Yes.

Q. Had you any means of knowing whether or not the watch by which you opened the polls was correct?—A. Only from Mr. Horlbeck. He said that the watch had just been repaired.

Q. You know nothing but what was told you by Mr. Horlbeck about that watch?—A. No.

Q. For whom did you vote for Congress?—A. For M. P. O'Connor.

Q. And the entire Democratic ticket?—A. Yes.

Redirect examination by G. R. WALKER, counsel for contestant:

Q. You have stated that Mr. Muirhead appealed to Mr. Walker for a legal opinion. State whether or not the form of inquiry was "Read the law."

(Objected by contestant as leading.)

A. It was.

Q. Did Mr. Walker read the written law?—A. He did.

Q. Was it not to the effect that the supervisor's duty was to be in the immediate presence of the managers, and not in the rear of the poll?—A. Yes.

Q. What was Mr. Walker's reading of the law?—A. The sum and substance was that the supervisor was to be in the immediate presence of the managers; it was something to that effect; I don't remember the law exactly.

Q. State whether or not that was not the opinion which Mr. Muirhead expressed to the supervisor?—A. I think it was.

Q. You spoke of persons being in the room; did persons remain in the room during the day of the election?—A. I said they went out; but I don't recollect any particular time that they went out.

Q. Was there a room adjoining the room in which the managers were?—A. Yes.

Q. Was it not necessary for persons coming from the piazza to go into the adjoining room have to pass through the managers' room?—A. Well they could pass through it.

Q. Did Mr. Walker remain in the managers' room at any time during the canvass?—A. I don't think he did. He came in there, but he did not remain in there, to my recollection.

Q. Did you not see Mr. Walker pass through the room for his lunch, and that he went and invited both the supervisors and the managers?—A. I remember that.

Q. Do you recollect that Mr. Walker had to pay a part of the expenses of the renting of that room for the use of the election?—A. Yes. I remember it.

Q. Was not that room actually leased to Mr. Walker for the day?—A. I know that he rented it.

Q. And that Mr. Walker, you are sure, he did not remain in the room any time during the day?—A. I don't think he did.

Q. Was not the managers' object in objecting to the position of the supervisor in the rear of the ballot-box that the law required him to be in the presence of the poll?

(Objected to as leading.)

A. I told him that I thought he could see better there. I don't know that we considered the good he would have done, but the situation was a good one.

Q. You have been asked about a person by the name of North. Was it not notorious that North accepted the Republican nomination as representative in the legislature from that parish?—A. He did.

Q. Was it not notorious that North and his friends were bitterly disappointed and angered by the nomination of a negro from the very end of the parish?

(Objected to as leading.)

A. That is what I remember—before he changed some.

Q. Was it not on account of the nomination of Frank Ladson?—A. I thought that was the reason. I was not asked for a reason, and therefore did not give it.

Q. What is North's color?—A. He is a brown man, a light man.

Q. Dark or light?—A. Rather light.

Q. What is Ladson's color?—A. Dark; almost black.

Q. Is not North what you would call a mulatto?—A. Yes.

Q. Is not Ladson what is termed a negro?—A. Yes.

Q. Is not North a man of some respectability for a man of his color?—A. Yes; I think he is.

Q. Do you know Mr. Oswald Freeman?—A. I do.

Q. Was that the gentleman that was charged with voting more than one ballot?—A. Yes.

Q. What is his character?—A. Good.

Q. Is he regarded as a respectable white gentleman?—A. He is.

Q. Did he deny the allegation?—A. He did.

Q. Has not the swindling of the Republicans in that parish been notorious for many years?—A. They have the credit of doing it.

Q. Did you not find Republican ballots folded together in the box?—A. I think I did in 1 or 2 ballots. I don't remember how many.

Sworn to before me this 1st day of October, A. D. 1879.

[SEAL.] JACOB WILLIMAN,
Trial Justice & N. P.

Deposition of G. Lamb Buist.

CHARLESTON, Sept. 30th, 1879.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

THE STATE OF SOUTH CAROLINA,
Charleston County:

GEORGE LAMB BUIST (white), a witness of legal age, produced by contestee, answers as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. 41 years of age; residence, Charleston; occupation, a lawyer.

Q. To what political party do you belong?—A. Democratic.

Q. What position did you hold in the party organization in the last canvass?—A. Chairman of the Democratic party of Charleston County.

Q. When did the board of election commissioners organize for the discharge of their duties?—A. In 1878.

Q. How many days before the election?—A. I think the law is sixty (60) days.

Q. Did you make any recommendations to the board of commissioners for the appointment of managers?—A. I think we sent in a list.

Q. Were all appointed that were recommended by you, or others put in their places?—A. No, not all; some would not serve, so they appointed others.

Q. Were there any funds furnished by the State for the conduct of the election?—A. Not a cent. It all had to be paid by the Democratic party.

Q. Did the Republican party, through its chairman, aid you as the chairman of the Democratic party, or unite with you in defraying the expenses of the election?—A. He did not.

Q. Was there any law in this State when this election was held providing for defraying the expenses of the election?—A. None at all; we understood that we had to defray all the expenses ourselves.

Q. Did you not have to furnish the boxes and all the other material for conducting the election to the managers?—A. If we had not furnished the money there would not have been any ballot-boxes at the polls at all, except at those polls where it cost them nothing to get them there. But I don't think they could have got over in the country.

Q. Were the managers appointed by the board of commissioners, as a board, generally intelligent and discreet men?

(Objected to by contestant as leading.)

A. Oh, yes; they were intelligent and discreet men, and engaged in all branches of occupations.

Q. Who furnished the ballots for your party?—A. The State executive committee. We gave them the money and they furnished us the ballots, and paid all the expenses. I don't mean that they went up to Columbia and came back to us, but they were printed, and came to us.

Q. They came to you from the State executive committee?—A. Yes; they were responsible but for the printing of the ballots.

Q. When did you organize the Democratic county committee?—A. Right after the convention.

Q. Have you taken a prominent part in previous elections in the State?—A. Yes.

Q. Did you take a part in the election of 1876?—A. Yes; a prominent part.

Q. Did you take a part in the election of 1874?—A. Yes.

Q. Was your party well organized for the campaign of 1878?—A. Just about as well as it could be.

Q. From your experience in previous elections, has there been a great deal of repeating carried on by the Republican party?—A. Yes. It is so hard to distinguish it that you cannot stop it; that is, amongst the black people.

Q. Did you give orders to your working committee to be on their guard as to repeating this last election?—A. I did; I thought that was the chief danger.

Q. Had there been any intimidation carried on at previous elections by the Republicans?—A. A great deal.

Q. By whom was this intimidation principally carried on?—A. By colored Republicans upon their own color. They did not pretend to intimidate the whites; but upon their own color.

Q. What kind of intimidation was used in previous elections?—A. They brought the influence of the women upon them; it was reported to me that they beat a colored man who went over to the Democratic party.

Q. Was that not the same kind of violence used in the election of 1876?—A. That was the general opinion.

Q. Have not colored men been intimidated by the colored Republicans from voting the Democratic ticket by threats of ostracism and other penalties to result from their free action in that regard?—A. I have no doubt about it in the least that it was carried on to a great extent.

Q. Had there not been two factions or wings in the Republican party,

led by separate leaders for many years in this city?—A. There has been, as you say, which has resulted in open breaches, too.

Q. Those two wings have been commonly known as the Bowen and Mackey wings?—A. Yes.

Q. Mr. Mackey has generally obtained the ascendancy in the city and Mr. Bowen in the country?—A. Yes, in my opinion; I know that in all the elections that he worked with us he held the ascendancy over the negroes in the city.

Q. That was the case in the election of 1874, in the *Greene* campaign?—A. Yes.

Q. Do you think Bowen took an active part for Mr. Mackey in this campaign?—A. I think he was against Mackey all the time.

Q. Did not Bowen favor Taft for the nomination by the Republican party?—A. He did. The only interest Bowen had was to get some claims paid by the Democratic legislature; but I don't think he took any interest in the Republican party.

Q. Do you recollect when the Republican State street convention nominated their ticket?—A. Yes.

Q. Did not the announcement of that ticket cause great indignation among the people of all classes in regard to the names put upon it?—A. Yes, on account of the names of Buttz and McLaughlin, being men *too honest* for the colored people.

Q. Did you hear Republicans express great indignation on account of those names?—A. I did; in the city, and wherever I went, on the stump.

Q. Do you not think the names on that ticket impaired the chances of Mackey's election to Congress?—A. I think the names of Buttz and McLaughlin being on that ticket was enough to kill it; one was school commissioner, who would have charge of the education of the poor, and the other for judge probate, who would have charge of deceased estates.

Q. Did you not consider that ticket as ruinous to the Republicans and advantageous to the Democrats?—A. Yes; the badness of their ticket was a great advantage to the Democrats; ordinarily it would have turned the scale in any civilized community.

Q. Have you found the colored people open in their manner of voting, or secret and close in their method?—A. Very secret; though I have never seen them vote in the country.

Q. I mean in the city?—A. Yes.

Q. Do you or not believe the Republican party were divided in the late election of 1878?—A. I am perfectly satisfied that Bowen, leader of one of its wings, rather preferred the success of our ticket over his, and I am satisfied he did nothing to aid the Republicans.

Q. Was there a large number of colored people in the city on the day of election in 1878?—A. A great many.

Q. Did you visit any of the polls during the day?—A. I may have visited one or two of them, but I was at Military Hall all day. The instructions that I gave in regard to repeating were given after consultation with Chief Supervisor Poinier and the United States marshal, and were satisfactory to them.

Q. Did not a great many people come to you from the island and elsewhere, and ask you to aid them in getting up Democratic clubs?—A. Yes; frequently they would come and solicit aid from us.

Q. Did they not importune you for aid?—A. If I had had \$100,000 I could have got rid of it in answer to the demands upon me by the black people.

Q. Were any reports brought to you, as chairman of the Democratic party, that repeating was going on?—A. Repeating by what party?

Q. Republican party.—A. Yes.

Q. Was your attention called during the day in regard to a body of colored people headed by Dunnehan?—A. Yes; I got such a message.

Q. Did you send out your courier to check it?—A. Yes; but I also gave such instructions as were satisfactory to Marshal Wallace and Chief Supervisor Poinier.

Q. Who was Poinier?—A. Chief supervisor.

Q. Did you do all you could to have a fair election?—A. I did all I could for that purpose. I had nothing to do with the United States officers, but they did me the honor to call upon me and see me. I think the district attorney came to my quarters once or twice.

Q. Did you give any instructions that day other than what was on the printed instructions that were issued by the commissioners?—A. I instructed them that every man had a right to vote at one place in the county and no more.

Q. Were the deputy marshals mostly Radicals?—A. Principally; there were a few Democrats among them, but they were mostly Republicans. This election has been pronounced the most orderly election ever held in this city.

Q. Where did you vote that day?—A. At the Hope engine-house.

Q. Was there a large crowd around the polls?—A. I got to the poll as soon as it was opened in the morning, and there was a large crowd.

Q. A large crowd of colored people?—A. Quite a large crowd.

Q. You got there just as the polls were opened?—A. Yes; I voted early so as to get to Military Hall, my headquarters.

Q. Was not the vote of the city considerably swollen by the large influx of colored voters from the country?—A. It must have been so; I was told there was such a large crowd about the polls, but I had no curiosity to go to each of them.

Q. What was the object of using the tissue ballot?—A. I did not see them on the day of election, but they were sent by the State committee, and I presume the object was to give the colored people the opportunity of voting without being discovered by their own race—Republicans whom they feared.

Q. Why was it necessary to avoid detection?—A. On account of ostracism and intimidation.

Q. Were those tickets distributed the same as the other tickets?—A. As far as I know they were. I was told they were distributed at all the wards. Somebody told me of a placard being posted the day before the election, and the Republicans knew they were out.

Q. Do you know a fellow by the name of John M. Freeman?—A. Yes, I know him well.

Q. What is his general character?—A. Atrocious.

Q. Would you believe him on his oath?—A. I would not.

Q. You are a son of the late judge of probate?—A. Yes.

Q. You are a member of the firm of Buist & Buist?—A. I am.

Q. A firm of long standing at the law?—A. In practice for a long time.

Q. Do you practice in United States courts?—A. I do.

Q. And State courts?—A. Yes.

Q. What are the politics of R. M. Wallace, U. S. marshal?—A. Republican.

Q. Is he considered an extremist?—A. He belongs to the extreme wing.

Q. What are the politics of the district attorney and assistant district attorney?—A. Republicans.

Q. Who is assistant district attorney?—A. E. W. M. Mackay.

Q. The contestant?—A. Yes.

Q. What are the politics generally of the officers of the United States court?—A. They are generally Republicans.

Q. What are the politics of the United States commissioners, and of the United States supervisors in 1878?—A. Republicans.

Q. Were the deputy marshals chiefly Republican on election day?—A. They had their full complement.

Q. What are the politics of the sheriff of Charleston?—A. Republican, certainly, when he is running for sheriff. I don't know what he is between times.

Q. What are the politics of his deputies?—A. All Republicans.

Q. What are the politics of the State circuit court?—A. Republican.

Q. What is the opinion in South Carolina in relation to test-oath sifted juries?—A. Public opinion is, that it is a one-sided, treacherous system of legislation, giving the Democrats no chance whatever of a fair trial; that is the public opinion, and I suppose there is great rejoicing over the repeal of this odious statute.

Q. In 1878 a colored Democrat charged with an offense by a Republican supervisor or Republican deputy marshal could expect what character of justice?—A. He could not expect any at all; he certainly would be convicted.

Q. As a matter of fact, in the political trials that followed the election, was the test oath applied?—A. It was.

Q. Who was it applied by, the court or the prosecuting officers?—A. By the prosecuting officers of the government.

Q. Did the contestant take part in those proceedings?—A. Yes.

Q. Did he apply the test oath?—A. He did.

Q. Did he take an active part in those proceedings?—A. As assistant district attorney he did.

Q. Democrats charged with offenses under the election laws knew, then, at the time of the election that they were to be tried under a test-oath sifted jury, sifted under the direction of the present contestant?—A. They were bound to know it, because that was the law. I don't know if they actually knew it, but the law required them to know it.

Q. Were you present at those trials?—A. I was.

Q. Did you, during those trials, know any instance on which the test oath was applied to a known Republican?—A. No; I did not.

Q. Was it not notorious that the test oath was applied only to Democrats?—A. I so understood it. I don't remember any other application of it.

Q. Has there not prevailed an intense fear throughout the community of the supposed injustice of the U. S. courts?—A. There has been very great anxiety.

Q. Has not this feeling been the result of the quasi-political trials in years past?—A. It has.

Q. Has not the United States courts, since the war, created terror in the bosoms of innocent men in various parts of the State?—A. It has, for the reason of the application of the test oath; it makes it a partisan jury for the trial of political offenses. I don't think there has been any difficulty about its ordinary run of business.

Q. And has not the alleged sympathy of this public for convicted persons in political matters been a sympathy growing out of supposed injustice at the trial, rather than a sympathy with the offense?—A. I

think it has invariably had the tendency to strengthen the Democratic party and keep them together.

Q. As a man of both legal and political experience, would you advise a colored man at the poll, surrounded by prominent Republican witnesses in the forms of marshals, supervisors, and court officers, to vote openly against these officers, or to do it secretly and keep his business to himself?—A. I would advise him to do it secretly and keep his business to himself.

Q. And with such a terror before the people of this State, do you not deem it the part of duty on the part of those who have experience and honesty to advise the poor ignorant colored people to use such means of protection as can be found in the tissue ballot?—A. I think that was a very useful device, and has had the effect you suggest.

(All the foregoing questions relative to the United States courts are objected to as leading.)

Cross-examination by E. W. M. MACKEY, contestant:

Q. At the general election of 1874, were you not chairman of the Democratic executive committee of this county?—A. I was.

Q. Of the 3 managers of elections by whom that election was conducted, was not one a regular Republican, the other an Independent Republican, and the third a Democrat?—A. That was the case; but we had to use influence to get them that way.

Q. In the appointment of the 3 managers of elections for each poll by those commissioners, was not each political party represented on the board of commissioners allowed a manager of election?—A. I think they were; I don't remember otherwise.

Q. In the appointment of managers were not the Democrats allowed to select their own men?—A. To the best of my knowledge they were.

Q. At the general election of 1876 was not one of the 3 commissioners of election a Democrat?—A. He was.

Q. At that election was not one of the 3 managers at each poll in Charleston County a Democrat also?—A. That's my impression.

Q. In sending to the commissioners of election a list of names for appointment as managers of election at the general election of 1878, did not your committee, the Democratic executive committee, send three names for each poll?—A. They generally did.

Q. Can you furnish now the list of names sent in by you to the commissioners?—A. I cannot.

Q. Did your committee preserve a copy of that list?—A. No.

Q. Was there on that list the names of any persons supporting the Republican ticket?—A. Not to my knowledge; we expected the Republicans to be sent in by the other side.

Q. With how many of the managers that were appointed were you acquainted either personally or by reputation?—A. I had no acquaintance outside of the city of Charleston. Our acquaintance was limited to the Charleston managers, and many of them I did not know personally.

Q. Then from what do you form your opinion that all the managers were intelligent and discreet men?—A. Because I know they were selected by intelligent and discreet men. I knew a great many of them. I knew that they were intelligent and discreet. They were selected by the Democratic executive committee from the different sections of the county.

Q. But of your own knowledge you cannot say that all of them were intelligent and discreet men?—A. No; I cannot.

Q. Of the managers of election who were appointed for this county,

do you know the name of a single one who supported the contestant for Congress?—A. I don't know; the fact is I don't know now who they were. I know those that we selected; I know none were supporters of yours.

Q. Were not the 3 commissioners of elections for Charleston County, by whom the last election was conducted, recommended by the Democratic executive committee of this county to the governor for appointment?—A. They were; we were instructed to recommend 2 Democrats and 1 Republican, and we arranged that.

Q. In the selection of that Republican did the Republicans have any voice?—A. Not to my knowledge.

Q. Did not that Republican commissioner act on all occasions in harmony with the 2 Democratic commissioners?—A. I never met them together; I never was in consultation with them as a committee.

Q. In selecting the Republican commissioner, did your committee consult with the Republicans of Charleston County?—A. We did not.

Q. Do you not know that the Republicans recommended Warren R. Marshall for appointment as Republican commissioner in this county?—A. I heard so at that time, and I have heard so since.

Q. Do you not know that they were strongly opposed to the appointment of Mr. Montgomery to represent the Republicans?—A. I presume they were; but they never communicated with me about it.

Q. How did the Democratic executive committee know that the commissioners of elections had no money for the purpose of defraying the expenses of the election?—A. Because the legislature made no appropriation for that purpose.

Q. Did the commissioners of election of Charleston County communicate the fact to your committee that they had no money?—A. It was understood that we had to pay all the expenses.

Q. How did you arrive at that understanding?—A. It arose in this way: from the experience of previous commissioners and the non-payment of their bills. The commissioners at this election declined to contract for necessary expenses unless some one stood responsible, and the Democratic executive committee agreed to pay them. But for this, I don't think many of the boxes would have gone into the country.

Q. So that was an understanding between the Democratic executive committee and the commissioners of election of Charleston County, that the expenses of the election should be defrayed by the former?—A. Of course the legitimate expenses.

Q. How do you know that the Republicans did not propose to bear their proportion of the expenses?—A. I never heard of their making any offer.

Q. Did you ever hear of their being asked to do so?—A. I never did.

Q. How many kinds of tickets were sent you by the State Democratic committee for use on election day?—A. I don't know that the State executive committee sent me any directly; but they paid for whatever came. I think there were several kinds sent.

Q. Was there not a lot called the calico or checked-back ticket?—A. Yes.

Q. Was there not also a lot of small tissue tickets?—A. There was.

Q. Among the tickets sent you were there not a number printed on plain white paper in imitation of the Republican ticket?—A. A great many.

Q. Did all the Democratic tickets have printed on them the name of M. P. O'Connor, for Congress?—A. I think so. I heard of no lot that we got that did not have his name on them. I never saw any without it.

Q. Did you in any way signify to the State executive committee what kind of tickets would be needed for Charleston County?—A. I did not.

Q. Did you in any way intimate to the State executive committee that you desired a portion of the tickets printed in very small type on tissue paper?—A. I did not.

Q. Then, as I understand, neither you nor your committee had anything to do with the invention of these tissue tickets?—A. Nothing that I know of. I always heard they were used in eleven other counties of the State as freely as they were used in this county.

Q. They were not printed, however, at the suggestion of yourself or your committee?—A. No.

Q. When you received the tickets for Charleston County did you receive any instructions or intimation from the State executive committee as to the purpose for which the tissue tickets were intended?—A. I did not.

Q. For what purpose were the tickets intended which were printed on plain white paper in imitation of the Republican tickets?—A. They were intended to enable these colored men who wanted to vote the Democratic ticket to vote it without being detected by their own color. That was the object of them, and it partially had that effect.

Q. Do you not know that on the day preceding the election, that a notice was posted around the city of Charleston by the Republicans, calling the attention of their party to the fact that these tissue tickets were intended for the purpose of stuffing the ballot-boxes?—A. I did; and further, had reports brought to me that the tissue tickets were all over King street, in the shop windows and in the hands of people.

Q. Now at what poll did you see any of those tickets in the hands of persons for circulation?—A. I did not see them circulated at any poll, for I did not go to the polls except to vote; I can say I went to ward 4 to vote, and saw a good many on the tables there.

Q. Are you certain you saw them on the tables?—A. Yes.

Q. May you not be mistaken about that?—A. They were on the table or at the side of the box. I believe I also saw a colored man with some in his hands there.

Q. When you testified before the Teller committee did you not say you saw no tissue ballots when you were at the Hope engine house?—A. It has been some time, and I prefer to stand on that testimony.

Q. So that upon consideration of your testimony before the Teller committee you are inclined to believe you are mistaken?—A. I think I may be mistaken, for I was very fresh at that time on these matters.

Q. Was there ever any discussion in your committee with regard to the use of these tickets?—A. There was not.

Q. Were not those tickets printed in the city of Charleston?—A. That's my impression, but I am not positive; I believe the whole of the tickets for the State were printed in Charleston, or nearly all of them.

Q. Was there any intimidation of colored men by colored Republicans at the election in 1878?—A. I had not the opportunity of seeing; I heard a good deal about it, but never saw any myself, because I was at the Military Hall all day.

Q. Was not both the State and city governments under the control of the Democrats?—A. It was; but not the county officers.

Q. Were not a number of State constables appointed for each poll?—A. There were.

Q. With the police force of the city and the State constables under the control of the Democratic administration, could not ample protection be afforded any man who wanted to vote as he desired?—A. He

could have been allowed to vote, but you could not protect him from the after consequences of it.

Q. Was not there erected at each poll a kind of barricade in the shape of the letter V, so as to prevent voters from crowding around the poll?—A. There was at the Hope engine house, and I have heard at all the others.

Q. Was it possible for more than one voter to pass through that barricade at a time?—A. Not the one I saw; only one person could pass through.

Q. Were not the same kind of barricades erected at each poll by the commissioners?—A. I think so; but I never saw them.

Q. Did not your committee bear the expenses for the erection of those barricades?—A. Yes; that was part of the legitimate expenses. I suppose they were paid for, as nobody has called upon me for the money.

Q. In the organization of the Democratic party, in 1878, did your committee organize Democratic clubs throughout the county?—A. All the wards were organized, and the different clubs in the country. We got reports from them all.

Q. All clubs that were organized in the interest of the Democracy were reported to your committee?—A. I think pretty nearly all of them.

Q. How many colored Democratic clubs were organized during that campaign?—A. I think there were about 3—the Hayne Democratic Club, in the city, and one on John's, and one on James Island.

Q. In canvassing Charleston County for the Democratic ticket, at what places in the county did you hold meetings?—A. Meetings were held at large. I was present at St. Stephen's, Calamus Pond, Bonneau's, and Wappataw Church.

Q. Were there any other Democratic meetings held in the county at which you were not present, but to which your committee sent speakers?—A. Oh, yes; a great many.

Q. Can you state at what places such meetings were held?—A. John's Island, James Island, Wadmalaw Island, Strawberry Ferry, and St. James, Santee.

Q. Do you not know that the meeting held on John's Island, to which you sent speakers, was a failure?—A. I know this, that the colored people reported to me that they had assembled on another part of the island.

Q. From whom did you obtain this information?—A. From a colored delegation that claimed that they had quit the Republican party. I know we sent a steamer and a band of music there.

Q. Do you know their names?—A. Capt. Billy Wright, Mitchell, and Ladson.

Q. Did you hold as many meetings in the country during the last campaign as you did in the campaign of 1876?—A. I was not in charge of the committee in 1876—Simonton was chairman—and I cannot say. I know we did not spend this time as much money by one-quarter.

Q. Were the expenses of your committee as great as they were in 1876?—A. Not near; we depended upon low taxes to get good government.

Q. At the general election of 1874, did not the Democrats support the State ticket nominated by the Independent Republicans?—A. They did.

Q. At that election did they not also support E. W. M. Mackey for Congress?—A. They did.

Q. At the same election was there not a combination formed in Charleston County between the Democrats and Independent Republicans, by

which the 2 parties united in supporting one ticket for the legislature and county officers?—A. There was such a combination.

Q. Of the candidates on the legislative ticket, among the members of the legislature were there not 12 Republicans and 5 Democrats?—A. There was.

Q. Was not Jno. M. Freeman a candidate on that ticket for the State legislature?—A. He was, as a Republican.

Q. Was not M. McLaughlin also a candidate on the same ticket?—A. I think he was.

Q. Did not the Democrats vote for Freeman and McLaughlin as well as for the balance of the ticket?—A. I think they voted the whole ticket.

Q. In the nomination of that ticket was it not understood between the two parties that neither should nominate candidates objectionable to the other?—A. I don't recollect any understanding of that kind; we took those you nominated, and you took those we nominated.

Q. You don't mean to say that there was no such an agreement?—A. No; I don't mean to say that.

Q. Is not the Jno. M. Freeman on that ticket the same man who was supervisor of elections at the Palmetto engine-house at the last election?—A. The same man.

Q. And this is the Jno. M. Freeman whose character, you say, is atrocious?—A. That is the man; a good many of those men were ruined by their service in the legislature.

Q. What has Freeman done since that election to give him a bad character?—A. All I know about him is that that is his general character among the Democrats, but I know nothing particularly myself about him, never having been thrown in with him.

Q. Has not this prejudice arisen against him since the disturbance at the Palmetto engine-house at the last election?—A. I think it has become more general since, because he has become more notorious.

Q. Previous to that had he done anything within your knowledge to warrant any such belief?—A. Not within my knowledge; I knew nothing about him.

Q. Please examine the election returns for Charleston County for the election of 1874, as published by the secretary of state, and see whether or not Jno. M. Freeman did not receive the second highest number of votes on the ticket for representative. (Returns handed witness.)—A. That is so.

Q. So that on that occasion he actually received more votes than 4 out of the 5 Democrats on that ticket?—A. It so appears.

Q. Is not the man McLaughlin who was on the Republican ticket at the last election the same man as he who was voted for by the Democrats on the combination ticket of 1874?—A. He was, and is the same man that has since been convicted of forgery before the last election by a jury in Charleston County.

Q. Has not that conviction been since set aside?—A. Yes, by taking advantage of a legal technicality.

Q. Since the Democrats came into power, have they ever undertaken to prosecute him for that offense?—A. No; because there was no law by which he could be punished at the time the crime was committed.

Q. Do you know any of the particulars of the charge against him?—A. Nothing about them at all.

Q. In regard to repeating at previous elections, do you know anything of your own knowledge?—A. I only know by the reports brought to me.

Q. All that you know, therefore, on that point is based upon reports

made to you!—A. Reports were made to me that they were repeating by the hundreds.

Q. Have any cases of ostracism towards colored men voting the Democratic ticket ever come within your actual knowledge?—A. There has been a good many reported to me, but I never saw any myself.

Q. And your information in regard to the influence colored women have upon men of their color voting the Democratic ticket is also from reports?—A. Yes.

Q. Was there more than one Republican candidate in the field for the Republican nomination for Congress?—A. Not that I know of.

Q. Do you know of any of the supporters of General Taft who came to you after his defeat in the Republican convention and offered to support Mr. O'Connor for Congress?—A. I heard Bowen was supporting Mr. O'Connor for Congress.

Q. With the exception of Bowen, do you know of any other man?—A. I do not.

Q. What did Bowen do towards supporting Mr. O'Connor?—A. That is more than I can tell you; I only know that he expressed himself very anxious that our ticket should be elected, and knowing that he was the head of one wing of the Republican party, I concluded from that that he had given some aid.

Q. Did he make any speeches against Mr. Mackey?—A. Not that I know of.

Q. Did he have any Republican tickets with the name of Mr. O'Connor on them?—A. I understood that the arrangement was that Bowen was not to allow the tickets with Mackey's name on them to go to his strongholds in the country; I believe that Bowen was doing all he could in this way to defeat Mr. Mackey.

Q. In regard to these country people who were in the city on the day of election, can you say whether or not they voted?—A. I cannot say; I don't know. I had reports to that effect, that they voted, but did not see them vote myself.

Q. How many of them voted; can you tell?—A. No; I cannot tell.

Q. How do you know that the vote of the city was considerably swollen by the influx of these people from the country?—A. I supposed so because they were here.

Q. But you do not pretend to say that that is the actual reason why the vote of the city was so large?—A. That depends upon the number that came from the country.

Q. Would it not also depend upon the number that voted?—A. Yes.

Q. Would it not depend more upon the number that voted than the number that came?—A. I suppose it would.

Q. Did you not hear, on the day of election, of complaints that these colored people were not allowed to vote?—A. I heard it about the middle of the day.

Q. Did you not have several conferences with the U. S. officials in regard to their right to vote?—A. I did, and we agreed upon arrangements as to qualifications, and so forth.

Q. When you say *we*, I suppose you mean the Democratic executive committee?—A. I mean the representatives of the committee that were there—Wallace and Poinier—and we agreed that they had a right to vote at any precinct as long as they were not repeating.

Q. Col. Wallace, the U. S. marshal, and Mr. Poinier, the chief supervisor, did everything they could to aid you, as chairman of the Democratic executive committee, on that subject?—A. They did, and heard me give my instructions.

Q. Did you not, as chairman of that committee, have a conference also with the district attorney?—A. He came in to see me, and the same thing occurred with him.

Q. After conferring with them, did you issue instructions to the managers of elections that they should receive the votes of these people, provided they had not voted already?—A. I had nothing to do with the managers; I delivered my message to couriers, and they carried it around to the managers.

Q. Unless these instructions were communicated to the managers, would they have amounted to anything?—A. I presume the chairman of the committees conferred with the managers or commissioners of elections, I don't know which; but I thought at the time that Poinier and Wallace ought to have gone to the commissioners of elections and not to me. I did not see that I had anything to do with it.

Q. At the time of the election, in 1878, were not the State courts under the control of the Democrats?—A. They were.

Q. Although the sheriff and clerk of this county were Republicans, they had nothing to do with the drawing of juries, &c., &c.?—A. I think not.

Q. Were not 2 out of the 3 commissioners, by whom juries are drawn and selected, Democrats?—A. I think they are.

Q. So that there was no danger of Democrats being prosecuted in the State courts?—A. I think not, or of Republicans either. The judiciary had become pure under Democratic rule.

Q. Was not the judiciary of the U. S. court equally as pure?—A. I should suppose so.

Q. Is not Judge Bryan, the U. S. district judge, a Democrat?—A. He is, in my judgment.

Q. Do you think the existence of the test-oath prevented the Democrats, either white or colored, from endeavoring to elect Mr. O'Connor?—A. I don't think $\frac{1}{10}$ of the Democrats knew of such a thing as the test-oath being in the law.

Q. Do you think that any colored men or any white men were prevented from voting for Mr. O'Connor because the U. S. marshal and the U. S. district attorney and assistants were Republicans?—A. No; do not about that.

Q. Did it affect the white men, or only the colored men?—A. I don't think it affected any white men, only colored men.

Q. In what way would they be so prevented?—A. In the first place the influence of these Republican officials on them—the personal influence, I suppose, would be more—and then their official position would have its effect.

Q. Do you think that the influence they exercised in favor of the election of Mr. Mackey was any greater than the influence exercised by similar officers of the State in behalf of Mr. O'Connor?—A. I think much greater; because the power of the U. S. Government upon these colored people is much greater than any State power.

Q. So that you think that the influence of those officials was worth more to Mr. Mackey than the influence of the whole State and city government to Mr. O'Connor?—A. I think it was.

Q. When you say that the U. S. courts have, ever since the war, created terror in the bosoms of innocent men, can you name a single instance of an innocent man being convicted in those courts?—A. I believe numbers were convicted in the Ku Klux trials, who were absolutely innocent of any offense. A trial was a conviction under the test oath.

Q. Was the test oath applied in those trials?—A. I represented one

case, and all that I know is that there was but one white man on the jury, and he was a Republican; and the eleven (11) others were colored men, and I put them down as Republicans.

Q. Was the test oath applied in any of those cases?—A. I think so; I heard it was, or the juries were packed.

Q. Previous to the election of 1878, had the Democrats any reasons to apprehend that any of their number would be prosecuted in the U. S. courts for offenses to be committed during the election?—A. I never heard that discussed at all. There was nothing of that kind discussed.

Q. In saying that a colored Democrat could expect no justice in the U. S. courts when tried before a jury to which the test oath had been applied, do you mean to say that either of the judges of the U. S. courts in this district would allow a man entirely innocent to be convicted?—A. I don't think that they would have anything to do with it. I think that with a test-oath jury it would be a question of fact, to be decided entirely by them. They could be absolutely impartial, and it would not affect the case at all.

Q. Is it not customary for a judge, where there is no evidence, to charge the jury to acquit?—A. The great difficulty is that there is perjured evidence in all cases, and the judge leaves that to the jury.

Q. During the session of the U. S. court held immediately after the election of 1878, at which a number of election cases were tried, was the test oath applied to any of the jurors?—A. Not to my knowledge; I was not in the court-house at the time; but I am satisfied that it was not.

Q. Did not all those cases result in mistrials?—A. In mistrials or acquittals.

Q. So that at that term, persons charged with violation of the election law did not fail to receive justice?—A. They were tried without the application of the test oath, and as a consequence they must have had a fair trial.

Q. Were there not Republicans on the juries that tried them?—A. I think there were.

Q. At the April term of the U. S. court, when the test oath was applied, were not more persons acquitted by those juries than there were convicted?—A. Those that were acquitted were tried for insignificant offenses, and there was nothing against them to convict them of. I don't remember but 3 trials: one was convicted, one acquitted by the jury, and the other the judge instructed a verdict of acquittal. That is all that I remember.

(Counsel for contestee objects to the introduction of the testimony on the ground of irrelevancy of matter connected with the various trials subsequent to the election; testimony-in-chief having been directed merely to exhibit the general terrorism existing prior to the election.)

Q. Did not the judge instruct the jury to bring in a verdict of not guilty because of the want of evidence?—A. From that and the defect in the indictment; that was two of the reasons.

(Counsel for contestee objects on the ground that the record of these cases is the best evidence.

Contestant agrees with counsel for contestee that this entire matter, in relation to the prosecutions in the U. S. courts, is irrelevant, and only pursues the examination in this direction because of the evidence brought out by contestee on this subject.)

Redirect examination by M. P. O'CONNOR, contestee:

Q. Were not the Democrats acting with the Republicans in the election of 1874?—A. They were.

Q. Has it not been a common practice in elections, for years, for one party to imitate the other's tickets?—A. So common is it, that it occupies the printers all day; that is their business.

Q. Have you not known 4 or 5 persons sworn in at the same time, offering to vote at an election in South Carolina?

(Objected to by contestant as not in reply, and as being entirely new matter.)

A. I have seen it often.

Q. Was not this barricade, in the form of the letter V, where the voters entered, voted, and made their exit—did it not enable 4 or 5 persons to stand up and vote?—A. It did.

Q. Was not the demonstration held at "Bonneau's Station" vast and enthusiastic?—A. It was; the colored people turned out in red shirts.

Q. Was it not affirmed that the whole country would turn out for the Democracy?—A. That was the talk that day.

Q. The fact that "Freeman" was on this combination ticket, does it alter the opinion expressed by you yesterday?—A. It does not. I think that the Democracy would have voted for the devil if he had been put on at that time. The fight then was to prevent universal ruling.

Q. You stated, in reply to one of Mr. Mackey's questions, that you saw no actual intimidation of the colored people who desired to vote the Democratic ticket in the election of 1878, yet they were prevented from voting the Democratic ticket from fear of after consequences?—A. That is a fact.

Q. What after consequences would you include in that?—A. Reading out of the church, no social intercourse with their families, and social ostracism.

Q. In 1874 did not the Democrats agree to swallow the Republican ticket as a nauseous dose in consideration of the Republicans giving to the Democrats, who were not extremists at that time, a representation of 5 on the legislative ticket?

(Objected to as leading by contestant.)

A. I suppose they did; but, as a party, they would have much preferred to have their whole ticket Democratic.

Q. Did the Democrats intend to endorse the Republican candidates by their acceptance of this promise?—A. No, I don't think so.

Q. You voted the Greene ticket?—A. Yes.

Q. In voting that ticket did you intend to endorse J. M. Freeman?—A. I did not.

Q. Was your vote the result of a sense of political duty by reason of a political contract, or was it intended as an endorsement of J. M. Freeman?—A. It was for the former reason; it was not intended as any endorsement.

Q. On the day of election, 1878, did I understand that you held an official position in the Democratic party?—A. I was county chairman of the Democratic party.

Q. Did I understand that the "Military Hall" was your headquarters?—A. Yes.

Q. Did I understand correctly that your information as regards repeating by country negroes was information that you officially received?—A. Officially from the Democratic party.

Q. Were you on the Hampton parades prior to the last one or two elections?

(Objected to as new matter, and not in reply.)

A. I was.

Q. Was there any intimidation of colored people on those parades?—
A. There was great excitement.

Q. Did the women participate in that intimidation?—A. I heard so; and I am also satisfied of it. I think that if it had not been for the police there would have been a row.

Q. On the line of march, were the colored Democrats subjected to ill treatment at the hands of the women and men of their color?—A. They were.

Q. Can you describe it?—A. Intense excitement among the women, denouncing the "Hampton Parade" entirely.

Q. Were the women loud in their denunciation of their relatives on the sidewalk?—A. I don't know what relation they were to the men, but that was done by the women.

Q. Was Bowen's arrangement with the Democratic party to attack Mackey openly and publicly?

(Objected to as leading.)

A. No; it was not.

Q. Poinier, the chief supervisor, was a Republican, was he not?—A. He was so considered by us; but a very respectable man; I know nothing against him.

Q. Am I correct in understanding you to say that one of the jury commissioners, besides the sheriff and clerk, were Republicans?—A. I said that one of the commissioners was a Republican, and the other two I understood were Democrats.

Q. Did I understand you that the clerk and sheriff of the State court were Republicans?—A. I said so.

Q. Was there any danger of Republicans meeting with fraud over in the State courts?—A. I don't think there was any probability of it.

Q. You have testified that Judge Bryan is a Democrat; was he not a Union man, and was he not appointed as a Union man?—A. I have always understood that; but that don't affect his position. He has been presiding judge at all important political trials in South Carolina.

Q. Is Judge Bond, the circuit judge, a Democrat?—A. He is a Republican.

Q. An appointee of what President?—A. Of President Grant.

Q. He is a Grant Republican?—A. He is.

Q. You have testified, on cross-examination, that most of the Democrats did not know of the test-oath; were these masses acquainted with the Ellenton forms of trial or kuklux judicial prejudices?—A. I expect they were generally acquainted with them—no doubt about that.

Q. Have you any doubt of the general feeling of terrorism existing notoriously in the public mind at large in South Carolina, or political prosecutions in the U. S. court?—A. I have no doubt that prosecutions, from the way they were conducted, created general terror; but I don't think it does now, because the juries are composed of both political parties.

Q. At the term of the U. S. court in December, 1878, was it not generally believed in South Carolina that the cases were continued from that term of court in order that juries better prepared to convict might be obtained for the April term of court?—A. That has been the general impression.

Q. Is it not generally known that 200 additional names were placed in the jury-box prior to the April assize?—A. Yes.

Q. With the application of the test-oath and the result of an improved jury-list, did not the prosecuting officers of the government succeed in

obtaining juries so partial that a perfect reign of terror existed in South Carolina?

(Objected to as leading.)

A. The juries were packed and had that effect.

Q. Do you know the general character, of course with exceptions, of the Republican supervisors?

(Objected to as not in reply and as being entirely new matter.)

A. With few exceptions, I think their general character pretty bad.

Q. Were they not as a rule witnesses for the prosecution in these cases?—A. Certainly.

Q. You have spoken of perjured witnesses; were they not as a rule the same witnesses as have appeared for the contestant in this case?

(Objected to as not in reply and as new matter.)

A. I don't know who has appeared for him. I know Freeman was one, and that is all.

Q. On your cross examination you spoke of perjured witnesses and packed juries in the U. S. courts; were not those witnesses as a rule Republican marshals and supervisors?

(Objected to as not in reply and as new matter.)

A. They were.

GEORGE L. BUIST.

Sworn to before me this 30th September, A. D. 1879.

[SEAL.]

JACOB WILLIMAN.

Trial Justice and N. P.

In the matter of the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

THURSDAY, October 2nd, 1879.

Court met pursuant to adjournment at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, South Carolina, at which meeting of court was present M. P. O'Connor, contestee, and his counsel Geo. R. Walker, and E. W. M. Mackey, contestant. The following witness was examined, viz, Stephen Hayne.

[SEAL.]

JACOB WILLIMAN,

Trial Justice and Not. Pub.

Deposition of Stephen Hayne.

CHARLESTON, S. C., October 2nd, 1879.

In the matter of the contested election between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County:

Personally appeared STEPHEN HAYNE (colored), a witness of legal age, produced by contestee, who being duly sworn deposes as follows in answer to questions propounded him by contestee:

Question. State your age, residence, and occupation.—Answer. My age is 30 years; residence, Charleston; and occupation, policeman.

Q. Did you take any part in the campaign of 1878?—A. Yes.

Q. Were you an active worker for the Democratic party?—A. I was.

Q. Were you president of a club?—A. Yes.

Q. Of what club?—A. Of the Hayne Democratic club.

Q. When was that club organized?—A. It was first organized in 1873 and reorganized in 1878.

Q. Who is the president of that club?—A. I am.

Q. How many members are there in your club? A. About 300.

Q. Where did you vote at the last election?—A. At ward 1.

Q. What ticket did you vote?—A. The Democratic ticket.

Q. Did the members of your club all vote that day?—A. As far as I know they did.

Q. What ticket did they vote?—A. The Democratic ticket, as far as I know.

Q. How long have you been connected with the Democratic party?—A. About 7 years.

Q. Have you ever had any difficulty with the colored people on account of that fact?—A. They threatened my life several times.

Q. Previous to this election?—A. Yes.

Q. Has your life ever been threatened by any colored Republicans?—A. Yes; it has.

Q. They wanted you to keep away from the polls?—A. Yes.

Q. And threatened your life if you did not keep away?—A. Yes.

Q. Did you ever hear any of these expressions, that is, by these parties, that the raliers were sent out especially to keep them from the polls?—A. Yes. By a young man by the name of Christopher Hayne; he was usually sent out for that purpose.

Q. Did you not say, in answer to an interrogatory addressed to you when you were before the "Teller committee," that C. C. Hayne said openly that when the "Hunkidori" Club came out, their general instructions were to keep you and your father from the polls?

(Objected to by contestant on the ground that the memory of the witness could not be refreshed in that way.)

A. Yes.

Q. Was there any additional hostility manifested by the "Hunkidori" Club or other Republicans against you?—A. I heard men using the expression that the damned negro Democrat ought to be killed.

Q. Was that a common thing?—A. Yes; it was a common thing.

Q. Is that the customary way for colored Republicans to treat the colored Democrats?—A. Yes.

Q. Did you remain at the polls all day during the election of 1878?—A. Yes; from 5:30 in the morning until 8 o'clock at night.

Q. Did colored men vote the Democratic ticket at the poll at which you were?—A. Between 200 and 300. I was in a position where I could see them come up to the poll. I was standing by the table on which were the Democratic tickets.

Q. Are you well acquainted with the colored men throughout the city?—A. Pretty well.

Q. How was it in ward 4? What ticket did the colored men mostly vote in that ward?—A. That ward had been a heavy Republican ward; but in Green's election there was a great deal of split between the two parties, and in the Wagener election there was also a split.

Q. How was it in the last election? How did the colored people then vote at ward 4?—A. As far as I could judge, the best part voted the Democratic ticket.

Q. How was it in the other wards of the city?—A. From what I could hear, it was about the same as in ward 4.

Q. What number of colored persons, in your judgment, voted the Democratic ticket in this city?—A. I could not state the exact number, but I know that there were a great many.

Q. A great many?—A. Yes.

Q. Do the members of your club live in different wards of this city?—
A. No; but there were some who had no clubs and would visit my club.

Q. Do you know who got up the "Hunkidori" Club?—A. I heard it was got up by Mess. Mackey and James L. Walker.

Q. Were the Republicans divided into two factions during the last canvass, one called the Bowen faction and the other the Mackey faction?—A. Yes.

Q. Has Mess. Mackey and Bowen been at variance several times?—
A. They have.

Q. Their strength lay in the different wings of the colored people?—
A. Yes.

Q. Did the Bowen wing take much part in this election?—A. Not that I saw.

Q. Did not a great many of the Bowen wing vote the Democratic ticket?—A. According to my belief they did.

Q. Were you at the "Bonneau" meeting?—A. Yes.

Q. Was there not great enthusiasm there?—A. There was there the greatest gathering of Democratic voters I had ever seen.

Q. Was there not a perfect uprising of the people?

(Objected to as leading.)

A. There was.

Q. Were you near the ballot-box at ward 1?—A. I was standing at the railing by the door and could look right at the box.

Q. Did the colored people vote their tickets open or folded up?—A. Some of them voted them folded and some voted them open.

Q. Was everything conducted regularly there?—A. As far as I could see, yes.

Q. Do you recollect the nominations that were made by the State street convention?—A. No; I recollect only that a Congressman was nominated.

Q. You don't recollect the others?—A. No.

Q. Had not a great change taken place in the sentiments of the colored people after the election of 1876?—A. A great change had taken place.

Q. Did not many that were previously Republicans vote the Democratic ticket simply for the sake of an honest and good government?

(Objected to as leading.)

A. Yes.

Cross-examination by E. W. M. MACKEY, contestant:

Q. For whom did you vote for Congress at the last election?—A. For M. P. O'Connor.

Q. Did you vote the straight Democratic ticket?—A. I did.

Q. In what ward was this Democratic colored club of which you were president?—A. Ward 4.

Q. Principally confined to that ward?—A. Mostly; but members of other clubs would come and visit us.

Q. Were there any other members from other wards?—A. Yes.

Q. Why did they come to your ward?—A. Because they had no clubs in their own wards.

Q. When was your club first organized?—A. It was first organized at the municipal election of 1873.

Q. In the interest of the Democratic municipal ticket?—A. Yes.

Q. When it was first organized of how many members was it composed?—A. I cannot state exactly.

Q. Has it been in existence from that time up to the present?—A. No; it was originally organized in ward 5 in 1873.

Q. Is its present organization the same organization?—It was reorganized in 1876 in ward 4.

Q. In the campaign of 1876, of how many members was it composed?—A. About 200 and odd, as far as my judgment goes.

Q. Was it reorganized in the campaign of 1878?—A. No; it was continued from that time until the present.

Q. How many members did your club have in the canvass of 1878?—

A. 150 members of the club. There were 80 members on the new roll-book and 70 on the old roll-book; but there were other members who did not wish their names put down on the book on account of the societies to which they belonged.

Q. There were 80 on the new book and the remaining 70 on the old book?—A. Yes.

Q. Did you ever publish the names of the members of that club in the newspaper?—A. As a rallying committee, I did.

Q. Did you ever publish the roll of your membership in any of the newspapers?—A. No.

Q. You only published such names as were selected as members of the rallying committee?—A. Yes.

Q. Was not your club the largest colored Democratic club in the city?—A. I believe it was.

Q. Can you give the names of any of those men that were afraid to have their names go down upon the roll?—A. I cannot exactly give their names now. If I had the book here I could.

Q. How long have you been a Democrat?—A. At every Democratic municipal election I voted the Democratic ticket.

Q. For whom did you vote for governor in 1876?—A. For the Democratic candidate.

Q. For whom did you vote in 1874?—A. I voted for Greene, the Independent candidate.

Q. For whom did you vote in 1870?—A. For Carpenter and Butler.

Q. Were they not the Democratic candidates for governor and lieutenant-governor?—A. Yes; Independent candidates.

Q. Have you not always been regarded in this city as a colored Democrat?—A. Not always.

Q. When was it that you were not so regarded?—A. The time when I voted for Wagener in 1875.

Q. Was not Wagener the regular Democratic candidate at that election?—A. He was.

Q. And yet you say although you supported him you were not a Democrat?—A. I meant to say that I was not regarded as a Democrat until that time.

Q. At what ward were you stationed on the day of election, 1878?—A. At the city hall precinct, in ward 1.

Q. Did you remain there all day?—A. I was there from 5.30 in the morning until near 11 o'clock at night.

Q. So that during the course of the day you did not visit any other polls?—A. No; I did not leave the poll at all.

Q. How can you then say that a great many colored men voted the Democratic ticket throughout the city?—A. I said that I was so informed.

Q. State how you received that information.—A. From the different Democratic clubs at the various wards. From Levy, at the Hope engine-house, and Holmes, at the Stonewall engine-house.

Q. Did any other persons give you any other information?—A. There were several others whose names I cannot now remember.

Q. But as to your own knowledge, you know nothing as to how the colored people voted except at ward 1?—A. Except at that precinct.

Q. How did they vote at that precinct?—A. They pretty generally voted the Democratic ticket there.

Q. Did the majority of the colored men at that precinct vote the Democratic ticket?—A. The largest portion of the colored men that I saw come up there voted the Democratic ticket.

Q. So that in your opinion the Democratic ticket received a majority of the votes of the colored men that voted at that poll?—A. I won't say in my judgment. I would say that the Democratic ticket received about 200 or 300 colored votes.

Q. What kind of tickets did they vote?—A. These checked-backed tickets.

Q. I then understand you that they mostly voted the checked backed or calico ticket?—A. Those that I saw take them off the table did.

Q. Did you see any one vote any tissue tickets at that poll?—A. Not to my recollection.

Q. Was not everything at that poll conducted regularly?—A. It was.

Q. Who received the majority for Congress at that poll?—A. I did not stay there until the count was over.

Q. Does not that poll usually give a Democratic majority?—A. Always.

Q. Was there any "Hunkidori" club in existence in 1878?—A. I don't think there was; if there was, they kept pretty quiet.

Q. Of your club, how many voted at the poll at which you were stationed?—A. None of them.

Q. So, as a matter of fact, you do not know how many of your club voted the Democratic ticket?—A. Only what was told me by the vice-president.

Q. Was not one of your club convicted of repeating—for voting the Democratic ticket twice?—A. Yes; that was Levy.

Q. Was he not chairman of the Democratic rallying committee of your club at ward 4?—A. Yes; at the Hope engine-house.

Q. Did the colored Democratic club of which you were president ever request that small tissue tickets be furnished you?—A. Not to my knowledge, though they had meetings many times when I was on duty, when the vice president presided.

Q. Had they done so would you have known it?—A. Yes; I might have known it.

Q. Did any person desiring to vote at the city hall have any trouble in so doing?—A. There was one or two who staid at the foot of Spring street, and the managers asked them why they passed all the other polls and came there to vote.

Q. Was the access to the poll in any way obstructed so as to hinder the voters from reaching the ballot-box?—A. No; because we kept it clear.

Q. The whole day?—A. Yes.

Q. Did not every person who desired to vote, and had a right to vote, vote there?—A. Not in the morning, on account of the crowd.

A. Then I understand you that early in the morning there was a string of voters?—A. Yes; out in the street.

Q. How long did that string continue?—A. The best part of the day.

Q. About how long did it take a man who got in that line to get a chance to vote?—A. They were voting 4 at a time.

Q. Could not any man who desired to vote have a chance to do so by waiting there 2 or 3 minutes?—A. Longer than that.

Q. About 5 minutes?—A. It would take a longer time than that.

Q. The voting was being conducted very rapidly?—A. Yes; as rapidly as they possibly could.

Q. Where is "Bonneau's" Station?—A. On the Northeastern Railroad.

Q. About how many miles from Charleston?—A. About 30 miles from Charleston.

Q. On the day of that meeting, did not the Democrats run a free train from the city to the place of meeting?—A. They ran a free train and gave the presidents of each club tickets, and any one that desired to go could go.

Q. How many colored men went to that meeting?—A. Between 500 and 600.

Q. Could not any colored men who desired to go to that meeting go, provided they could get a ticket?—A. Yes.

Q. Don't you know that some Republicans obtained tickets and went up there too?—A. They said that they were in sympathy with the Democratic party.

Q. Did it not afterwards transpire that they were not in sympathy with the Democratic party?—A. One of them turned out so; still he said he stood by the one whom he was going to support for Congress.

Q. During the campaign preceding the last election, when the Democrats of the city had a grand procession and meeting to hear Governor Hampton, how many of your club paraded in that procession?—A. Thirty-five (35).

Q. Do you know any friends of Mr. Bowen who abandoned the Republican ticket because of the nomination of Mr. Mackey for Congress?—A. Yes; only one that I can remember. His name is Holmes; but I believe that there were others.

Q. Do you pretend to say that at the time of the nomination of Mr. Mackey Mr. Holmes was either a Republican or a friend of Bowen's?—A. I cannot say whether he was a friend of Bowen's or not; but I know that he was a Republican.

Q. Well, how can you say that he was a Bowen man if he abandoned his support of the Republican ticket on account of the nomination of Mr. Mackey?—A. He was always a supporter of Bowen's.

Q. Do you not know that he is a bitter enemy of Bowen's?—A. No; I do not.

Q. Don't you know that Bowen had him turned out of the custom-house?—A. I don't think he knows that himself.

Q. Did Holmes support the Democratic ticket at the last election?—A. Yes; I believe he did.

Q. Did he do that because Mr. Mackey was nominated for Congress?—A. I cannot answer that.

Q. How can you testify that he abandoned the Republican party because of Mr. Mackey's nomination?—A. I understood that the Bowen faction abandoned the ticket, and he was one of them.

Q. Was he not a member of your club previous to the nomination of Mr. Mackey?—A. All Mr. Bowen's followers were members of my club before that election.

Q. Did not Holmes join your club in 1876?—A. I don't know rightly.

Q. Was he not president of your club in 1876?—A. He was.

Q. So that he was a Democrat in 1876?—A. Yes; he was supporting the party.

Q. And was president of your club?—A. Yes; it was not my club then; it was my father's club.

Q. And yet you say that he abandoned the Republican party two years after he was elected president of a Democratic club because Mr. Mackey had been nominated for Congress?—A. I said the Bowen faction, not Holmes personally.

Q. You now say the Bowen faction abandoned the Republican party on account of the nomination of Mr. Mackey for Congress?—A. I cannot say that they abandoned the Republican party; but they supported the Democratic candidate for Congress.

Q. Do you mean to say that Bowen's friends refused to support the Republican ticket at the last election because of the nomination of Mr. Mackey for Congress?—A. I cannot say what they refused to do.

Q. Do you know what they did do?—A. I know what they said that they would do; I cannot swear positively what they did do.

Q. Give the name of any Republican who is a friend of Bowen's who acted in that way.—A. I cannot state exactly who they were. I cannot call the names of them.

Q. Of his large number of friends in this county you cannot remember the name of a single man who opposed the Republican party on account of the nomination of Mr. Mackey?—A. A man may say that he cannot support that candidate and then go and support him right afterwards. I cannot swear that he did not do it.

Q. Then they may have told you so, and then supported Mr. Mackey?—A. They may have done so.

A. Do you know of a single one of those who are regarded as prominent leaders in the Bowen faction who opposed the election of Mr. Mackey?—A. I cannot say positively.

Q. Do you not know the names of those who are regarded as Mr. Bowen's prominent friends in this city?—A. No; I cannot tell them, they are so mixed up. Sometimes you cannot tell Mr. Bowen's friends from Mr. Mackey's.

Q. How do you know that the best part of the colored people voted the Democratic ticket at ward 4?—A. I was so informed by the chairman of the rallying committee.

Q. How many precincts are there in ward 4?—A. There are generally 3.

Q. How many were there at the last election?—A. I don't know positively; I only know of 2.

Redirect examination by M. P. O'CONNOR, contestee:

Q. You don't mean to say that every colored man that associates himself with your club, or that voted the Democratic ticket in the election of 1878, gave up his belief in Republican principles; but you mean simply to say that he availed himself, with other men of his own race, Republicans in principle, of the opportunity of securing honest government in South Carolina. Is not that what you mean?

(Objected to as leading.)

A. Yes.

Q. So that a number of colored men voted the Democratic ticket not for the sake of Democratic principles, but for the sake of securing an honest government as opposed to the corrupt establishment that had for years dominated over South Carolina?

(Objected to as leading.)

A. Yes.

Q. (By Mr. MACKEY, contestant.) Was that your reason for voting the Democratic ticket at the last election?—A. My reason was that I believed we would have a better government.

Q. (By Mr. O'CONNOR.) Did you not yourself form your club, that you spoke of in your testimony as a Democratic club, for the purpose of establishing good government in South Carolina, rather than for the establishment of Democratic principles against Republican pre-eminence?—A. Yes.

Q. Had you not heard loud and repeated complaints from those who had been Republicans, and who were Republicans, of the wrong and injustice done by the Republican State administration in South Carolina?

(Objected to as leading, and not in reply.)

A. Yes; Republicans now vote the straight Democratic ticket, but still maintain their principles, but support the Democratic ticket for the sake of honest government.

Q. Have you not reason, from your own experience, to believe that the feud, hostility, or enmity between the two wings of the Republican party that had existed in this county, to have been very bitter?—A. They had been at one time very bitter.

Q. Did you not hear certain supporters of Mr. Mackey for the nomination of his own party for Congress declare that they would vote for Mr. O'Connor in preference to Mr. Taft, if Mr. Taft, who was the Bowen nominee for the nomination, succeeded in getting the nomination of that party?—A. Yes; I have.

Q. Have you not heard of the same hostility between the two wings among the main followers of Mr. Bowen, who were advocating the nomination of Taft, that if Mr. Mackey got the nomination that they would support Mr. O'Connor for Congress?—A. I heard them say that it was not their fight at all. That it was Mr. Mackey's fight.

STEPHEN HAYNE.

Sworn to before me this 2d day of October, A. D. 1879.

[SEAL.]

JACOB WILLIMAN,

Trial Justice & N. P.

In the matter of the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

FRIDAY, Oct. 3rd, 1879.

Court met pursuant to adjournment, at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, South Carolina, at which meeting of court was present M. P. O'Connor, contestee, and his counsel, Geo. R. Walker, and E. W. M. Mackey, contestant. The following witnesses were examined, viz, Walter Webb, Patrick Moran, E. T. Legare.

[SEAL.]

JACOB WILLIMAN,

Trial Justice & Not. Pub.

Deposition of Walter Webb, jr.

CHARLESTON, S. C., Oct. 3rd, 1879.

In the matter of the contested election between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

THE STATE OF SOUTH CAROLINA,
Charleston County :

Personally appeared WALTER WEBB, Jr. (white), a witness of legal

age, produced by contestee, who, on being sworn, deposes as follows in answer to questions propounded to him by contestee:

Q. Question. State your age, residence, and occupation.—A. I am 34 years; residence, Charleston; occupation, gardener.

Q. Did you take any part in the last election?—A. I did.

Q. Did you hold any position in the last election?—A. Only as deputy State constable.

Q. Assigned for duty where?—A. Dill's Bluff, James Island.

Q. Were you present at the polls at Dill's Bluff, James Island, on the day of the election?—A. Yes; from the opening to the close of the poll.

Q. Was the poll opened punctually at six (6) o'clock?—A. Yes.

Q. Did you see the managers open and expose the box?—A. Yes.

Q. Who were the managers of election at that poll?—A. B. M. Lebby, Jr., Mr. Lawton, and Mr. Rivers.

Q. Who were the supervisors at that poll?—A. There was a colored man named Richardson there.

Q. Was Richardson the Republican supervisor?—A. Yes.

Q. Who was the Democratic supervisor?—A. I could not tell you who he was.

Q. Was there one there?—A. Yes; but not being well acquainted with the white men over on James Island, I cannot recollect the name of the Democratic supervisor.

Q. Were any U. S. deputy marshals present there?—A. Not to my knowledge.

Q. You were around the poll all day?—A. Yes. At the poll.

Q. You could see everything that was going on?—A. Yes.

Q. Did the colored people vote their tickets folded up?—A. Yes; to my knowledge there were no tickets given to Republicans at the poll. They were given to them by men stationed up the road. I asked to see one and they point-blank refused to allow me to do so. They got them on their way from Habernicht's store in the morning.

Q. You were close enough to the box to see every vote that was put in?—A. Yes; I was privileged on account of being a constable.

Q. And the votes were all folded?—A. Yes; I did not see an open ballot voted.

Q. And you could not tell from the manner in which the votes were folded who the voters were voting for?—A. No.

Q. Was the election conducted fairly by the managers?—A. About as fairly as it could be conducted.

Q. If there had been any interference, you could have seen it; you were in a position to see it?—A. Yes, I could have seen it.

Q. Did the managers tamper with the box during the day?—A. Not in any manner that I saw. The managers went so far as to allow Richardson, the Republican supervisor, to have a clerk, whose name was R. C. Glover.

Q. Were you there at the counting of the votes?—A. Yes.

Q. When the box was opened, did they count the ballots in the box, to compare them with the names on the poll-list?—A. Yes.

Q. Was there any excess of votes found in the box?—A. No; the ballots were counted three or four times, and they were even.

Q. Who received the majority over there?—A. The Republicans.

Q. A large majority?—A. A little over 400.

Q. You took an active part in the election?—A. I did; only as a peace officer.

Q. You took an active part in the campaign?—A. I did; and always do in all Democratic campaigns.

Q. Were you a good deal among the colored people during that campaign?—A. Yes.

Q. Was I, or was I not, popular amongst the colored people as a candidate for Congress?—A. A good many colored people would have supported you (M. P. O'Connor) if they had been left alone; I believe that from the number of votes that you received you must have been popular, or you would not have received that majority. The colored people appeared to be very timid as to how they voted, judging from the way they folded their ballots when voting them.

Q. I am not speaking of this poll particularly, but I am speaking of the campaign generally.—A. Yes; from what I could understand from the white men over there, they thought that they would have broken down the Republican majority over there if it had not been that Thompson came over and made a speech.

Q. Who is this Thompson?—A. He was a county commissioner at that time; W. H. Thompson is his name.

Q. A dark man?—A. Yes.

Q. By profession a preacher?—A. No.

Q. Has not James Island always been a great Republican stronghold?—A. It has, to my knowledge.

Q. How many white men are living on that island?—A. About 30 or 40.

Q. Maybe more or less?—A. Yes.

Q. How many colored people are there over there?—A. It is a hard thing for me to say; but judging from the number of votes cast, there must have been close on to 400 or 500, maybe more.

Q. Do you know how many votes Mr. O'Connor received there?—A. He received all the white votes and some colored votes.

Q. Do you know anything else that would benefit the contestee?—A. No.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Do you not live in the city of Charleston?—A. I do.

Q. You were sent from the city, therefore, to James Island to act as deputy State constable?—A. Yes; peace officer.

Q. Were there any other State constables there besides yourself?—A. Two others that went from Charleston over there to keep the peace.

Q. How many were there in all?—A. Three from the city of Charleston and one from over there, Mr. Hinson. We would not have gone there if we had known that there were State constables appointed over there.

Q. That made four State constables over there altogether?—A. Yes.

Q. All Democrats?—A. Yes.

Q. Were there any Democratic marshals over there?—A. Not to my knowledge.

Q. Did you see any persons over there wearing badges as deputy marshals?—A. Not to my knowledge; if they were there, they did not want to show their colors.

Q. How many white voters are residents of that island?—A. I said 30 or 40; maybe more or less.

Q. You are not very positive as to the exact number of white voters living on that island?—A. No, I am not, as I do not live over there.

Q. Has not James Island always been the stronghold of the Border wing of the Republican party?—A. I could not tell you; I know that

it has always been Republican, but I could not tell for what wing they supported.

Q. Have you not always heard it spoken of as one of Bowen's strongholds?—A. I have not; I always heard that it was your stronghold.

Q. At the last election, you mean?—A. Previous to the last election; when Mr. Chamberlain was running, I heard it then.

Q. How long have you known W. H. Thompson?—A. The first time I knew him to know his name was in 1876, when he was at the "camp ground."

Q. Has he not always been known as one of the prominent leaders on the Bowen side?—A. I could not tell you.

Q. In the campaign of 1876 did he not accompany Mr. Bowen?—A. I don't know whether or not he was with Mr. Bowen; but he was in the party.

Q. You say the managers made no objection to the Republican supervisor having a clerk?—A. No; in fact, they granted it.

Q. And you say when the ballots were counted they corresponded exactly with the names on the poll-list?—A. They did so; and to convince all that were looking on the managers counted them 3 or 4 times over, and they agreed with the names on the poll-list.

Q. Was everything there conducted fairly and squarely?—A. Yes. Everything was fairly and squarely conducted.

Q. No complaints made about the count?—A. No.

Q. What majority did Mr. Mackey receive?—A. A little over 400; I don't say that Mr. Mackey got it, but the Republican ticket did.

Q. You base your opinion about Mr. O'Connor receiving a number of colored votes in this county upon the number of votes that were counted or returned for him?—A. I believe so. I believe if the colored people were left to themselves they would have voted for Mr. O'Connor; but they were bulldozed.

Q. For whom did you vote?—A. I voted the straight Democratic ticket.

Q. You voted for Mr. M. P. O'Connor for Congress?—A. Yes, I did.

Q. You are a Democrat?—A. Yes.

Q. Always have been?—A. Yes.

WALTER WEBB, JR.

Sworn to before me this 3d of October, A. D. 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice and N. P.

Deposition of Patrick Moran.

CHARLESTON, SO. CA., October 3rd, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County :

PATRICK MORAN (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am 55 years of age, and have resided in Charleston 31 years; my occupation is a hardware merchant.

Q. Did you take any part in the election of 1878?—A. I did.

Q. Did you form one of the working committee of ward 3?—A. I was chairman of the working committee at Market Hall precinct.

Q. Were you at the poll nearly all day?—A. Nearly all day.

Q. Were there any colored men engaged in working for the Democratic ticket?—A. There was.

Q. Were you in Charleston during the war?—A. Not all of the time; part of the time I was in Augusta.

Q. Do you recollect when the Union soldiers were confined in my house at the foot of Broad street?—A. I do.

Q. There were a large number of generals and colonels?—A. All kind of officers. I know Dr. Mackey, the father of the contestant, sent to me for some money, and I gave him \$2,500; they were short of rations; the fact of the matter is I helped the Union soldiers every place where I saw they were in distress.

Q. Was everything conducted fairly at the Market hall poll as far as you saw?—A. As far as I saw, nothing wrong occurred there.

Q. Did a number of residents from the other wards vote at that poll?—A. Residents from every ward voted there.

Q. Was the tissue ballots voted there openly?—A. All the ballots were, but we never gave anything but the tissue ballots.

Q. Did you see them exposed on the tables?—A. On the tables and in the hands of persons. I had a handful myself, and when any one came up to vote I gave them one.

Q. Did you see the colored men that day, any of them, vote a tissue ballot?—A. I did.

Q. Were there many of the colored men that voted Democratic tickets that day with Mr. O'Connor's name on them for Congress?—A. I seen a good many of them.

Q. Do you or not know of there being for many years two wings in the Republican party in this county, one wing headed by Mr. Bowen, and one headed by Mr. Mackey?—A. Every one knew of the Mackey faction and the Bowen faction.

Q. That contention for superiority between the leaders of the two wings has always been kept up?—A. Pretty much. I never knew a break in it.

Q. Mr. Bowen's candidate for Congress in the last election was Mr. Tatt?—A. I believe it was Tait; I think his candidate was Taft, but Mackey cleaned them out.

Q. Do you not know or did you hear many of the Republican colored people in Charleston say they were going to vote for Mr. O'Connor for Congress, either before or at the election?—A. I heard a plenty say so.

Q. Do you recollect when the Republican ticket which was nominated by Republicans at the State street convention in 1878 was announced to the public?—A. Yes, I recollect that; the fact is I keep very little run of such things; I just hear them as they pass.

Q. Was not Mr. Bowen's side beaten in that convention?—A. Yes.

Q. Mr. Bowen's party was beaten and Mr. Mackey's party triumphed?—A. Yes.

Q. That was for the nomination of the county ticket?—A. Yes.

Q. Did not the appearance of certain names for county officers and for the legislature on that ticket excite great disgust among the people of all classes in Charleston.

(Objected by contestant as leading.)

A. It did among white and colored.

Q. Did it not excite the animadversion of Mr. Bowen himself?—A. I could not say anything about that.

Q. You did not hear him say anything about that?—A. No, sir. I heard it from colored people that I heard talking about it.

Q. You have lived in South Carolina since the war?—A. I have.

Q. You are pretty well acquainted with the public opinion prevalent among all parties?—A. Yes; I pretty nearly heard all sides.

Q. What was the sentiment of the people as to the various quasi-political trials in the United States court—a feeling of condemnation or a feeling of anxious fear?—A. I don't know anything about the courts.

(All questions of this character and of a kindred nature objected to by contestant on the ground of irrelevancy and as not embraced in contestee's answer.

Contested, in reply to the objection to the question, claims that the same was propounded by contestee to elicit the different species of intimidations that may have operated upon the colored Republicans' mind and to demonstrate the necessity of the use of secret means of balloting for colored protection.)

Q. I am not asking your knowledge of the court, but merely to question you as to the public sentiment of fear or otherwise growing out of such trials as the Kuklux and Ellington cases.—A. Of course there was fear.

Q. Was that fear based upon the belief in the righteousness of the trials, or was it a dread growing out of the public belief in the honesty of the machinery of the court?—A. The fact of the matter is, I cannot answer much of those questions; all that I know is that there was great fear that things were conducted on one side.

Q. On which side?—A. On the side of the government.

Cross examination by E. W. M. MACKEY, contestant:

Q. Did that fear exist after the last election, when these men were being indicted for election frauds, or before that election?—A. It was before and after the Kuklux trials and then those trials.

Q. When the friends of Mr. O'Connor were endeavoring to have him elected, were they at all intimidated or controlled by anything that the United States court might afterwards do?—A. I did not see really any intimidation upon either side where I was.

Q. What I mean to say is this, do you think that anything that has happened in the United States court since reconstruction had anything to do with the past election?—A. I really could not say that, but I know the people was scared about the courts how they were acting.

Q. Were they afraid, if they were doing right?—A. If they were doing right or wrong plenty of people were taken up and sent to Albany.

Q. Did you at any time during the last election, previous to the canvass, hear anybody express any fear as to any future action on the part of the United States court in relation to the election that was about to be held?—A. I never heard any talk about that.

Q. Do you know of a single voter whose vote was influenced by anything that might be done in the United States court?—A. No.

Q. About how many colored men voted at the Market hall precinct?—A. I could not tell; a good many voted.

Q. Can you form any idea?—A. I cannot; not the slightest. There was a heavy vote polled there.

Q. Of the colored men that voted at that poll, were they not nearly all from the city?—A. I cannot say; some I knew and some I did not.

Q. Those that you knew?—A. There was several from the city.

Q. Of the residents from the other wards who voted at that poll,

were the most of them known to you either personally or by reputation?—A. I knew them; mostly knew them by eyesight.

Q. Were they well-known residents from the city of Charleston, the men from the other wards that voted at that poll?—A. A good deal of them were.

Q. Did more whites vote there than colored?—A. I think they did.

Q. Many more?—A. Considerably more whites than colored.

Q. About how many more?—A. I cannot say.

Q. Can you form any idea whether the whites that voted there were two to one, or three to one, or four to one, to the colored?—A. The fact of the matter is, a man may guess at the matter and be out of the way.

Q. Have you any idea how many colored men voted for Mr. O'Connor at that poll?—A. I have not the slightest idea.

Q. During the day what position did you occupy?—A. I was chairman of the working committee at that poll.

Q. Stationed in the streets?—A. Stationed right beside the poll.

Q. How long were you there during the day?—A. The whole day, except when I was away getting some dinner, about a quarter of an hour. I did not even go home; I went to Riddock's and got dinner.

Q. What time did you leave?—A. A little after nightfall—a little after nine o'clock.

Q. Do you mean to say that at the last election the Republican party was divided into two factions?—A. Well, you know there are white men who are Republicans as well as colored men. I know a good many colored men that voted the Democratic ticket. How can I tell when a colored man comes up there whether he is a Republican or not?

Q. Have you not testified that the Republican party was divided into two factions—one headed by Mr. Bowen and one headed by Mr. Mackey?—A. Down there in State street they were divided.

Q. After the convention of State street, were they so divided?—A. I could not tell anything about that.

Q. In testifying that you heard a plenty of colored men saying they were going to vote for Mr. O'Connor for Congress, do you mean to say that they simply said they were going to vote for Mr. O'Connor without voting the Democratic ticket?—A. For the ticket.

Q. Did not nearly every colored man that voted for Mr. O'Connor vote the entire Democratic ticket?—A. They did, all that I saw.

Q. At whose nomination were these colored people about whom you spoke disgusted?—A. I heard several of them say so. I could not tell you what particular men on the ticket. I could not tell you that; as a general thing they were disgusted.

Q. Do you mean to say they were disgusted with the entire ticket?—A. That is what I heard them say.

Q. Not because of the nomination of any particular man on the ticket?—A. No; I did not hear any particular man spoken of.

Q. Did you mingle much among the colored people previous to the election?—A. I count myself always as a pretty good friend of the colored people; I go among the representative ones, and they will tell you so themselves.

Q. How did you come to hear these expressions from the colored people?—A. Just talking.

Q. Did you take any part in the canvass—that is, stumping around, or working for anybody?—A. No, sir; I don't do anything like that.

Q. Did you not testify in your direct examination that it was the nomination of certain men for county officers and members of the legislature that excited this great disgust amongst the Republicans?—A. I

know there was a great deal of disgust amongst the colored people, according to what I was told, by the Republican party.

Q. What I wanted to know is the names of any of those men who were nominated that excited this disgust?—A. I cannot give you the names; it would not be right, as you might be down on them; they are of your own party.

Q. Is that your answer to the question I asked you?—A. What is that?

Q. The question I asked you was, can you give the names of any of those parties whose nomination excited such disgust?—A. I cannot give any particular names; it was the general ticket they were disgusted with.

Q. Have you heard anybody express any dissatisfaction with the Democratic ticket?—A. I never did.

Q. Was it acceptable to everybody?—A. I never heard anybody say anything about it.

Q. Every man on it?—A. I never heard anything said about it.

Q. Can you give the names of any of these Republicans with whom you talked to?—A. I could; but I would not do it.

Q. You could; but you would not?—A. Yes, sir.

(Contestant insists upon the witness giving the names of the persons as required.)

(Counsel for contestee advises the witness that without the express rule from the Congressional committee, he properly refuses to name any of the persons on the Republican ticket of bad character, or to disclose political confidences affecting persons.)

Q. The prisoners at the house of the contestee, were they not confined there as prisoners of war?—A. They were; I could not say whether they were in jail, or in Mr. O'Connor's house; I was in Augusta.

Q. Was Mr. O'Connor entertaining them as his guests?—A. I cannot tell you that.

Q. Had he invited them there?—A. No, sir.

In reply by M. P. O'CONNOR, contestee:

Q. Was it not a great relief to the Union officers to have the accommodation of Mr. O'Connor's residence, to be relieved from being kept in the foul and crowded jail of the district?—A. I cannot tell you that; I was in Augusta at the time, and I only heard that they were in Mr. O'Connor's house.

Q. On cross-examination you testified that you did not know of a single voter being scared by the United States court; you did not mean to contradict your evidence; you were speaking of public opinion, not of the feelings of any single voter, as I understand you?—A. No, sir.

Q. You say you were around at the Market Hall poll until the votes were nearly counted?—A. Yes, sir.

Q. You saw nothing unfair there?—A. Nothing.

Q. Improper or illegal while you were there?—A. Nothing.

Q. Your staying there so late was not intended in any way to change or swindle in the election?—A. No, sir.

Q. You saw nobody else attempt to change or swindle in the election?—A. No, sir.

Q. And all that was done was fair and square?—A. Yes, sir.

Q. Do you know the character of C. W. Buttz?—A. Yes, sir; but I don't care to testify to it.

(Question objected to by contestant, as not in reply.)

Deposition of E. T. Legare.

CHARLESTON, SO. CA., October 3rd, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

E. T. LEGARE (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee :

Question. State your age, residence, and occupation.—Answer. I am 38 years of age, and reside in the city of Charleston; occupation, planter; I am planting across the river.

Q. Did you take any part in the last election of 1878 ?—A. Yes, sir.

Q. You are a descendant of the celebrated Hugh S. Legare, the former Attorney-General of the United States ?—A. Yes, sir.

Q. Did you take any part in the late election of 1878 ?—A. I was appointed as a manager at the Marion engine-house, ward six, and was elected chairman of the board of managers.

Q. Who were your associates ?—A. Arthur Locke was one and a man named Jager.

Q. Who was the Democratic supervisor ?—A. S. Cordes Boyleston.

Q. Who was the Republican supervisor ?—A. G. H. Dantzman.

Q. What hour did the poll open ?—A. At the regular appointed time; I know I was very particular to have my watch right to open it by; I think it was six o'clock.

Q. Were there any deputy marshals at the poll ?—A. Yes, sir; with their badges on.

Q. Were they all Republicans ?—A. I think so, as well as I can remember.

Q. When did you close the poll ?—A. Six o'clock, the hour appointed by law; six o'clock to the minute.

Q. Was there a large crowd around the poll ?—A. In the morning when the negroes came from St. Andrew's there was; but during the day there was not such a large crowd.

Q. Was the election conducted perfectly fair and square ?—A. Yes, sir.

Q. Did the Republican supervisor complain to you of any irregularity ?—A. No, sir; so much so he handed me some tea. Dantzman said to me, "My tea has come, and if you will take a cup you are welcome to it." When we came to take up the box, I asked him, "Dantzman, are you satisfied ?" He said, "Yes; you done perfectly fair, and I am satisfied." Dantzman had a talk with me in the street about the election, and he said he was satisfied.

Q. Since the election ?—A. Yes, sir; there were some men from my parish, and they were challenged on the ground that they had voted already; I told them if they were challenged they could not vote, and that they must bring a certificate from a trial justice or notary public that they had not voted, and I would let them vote; a good many from the parish I knew voted there; as a general thing everything went off quietly.

Q. No persons were refused the right to vote at that poll, except after challenging made and the managers deciding that the objection to the vote was sustained, upon the ground that the party was not qualified to vote ?

(Objected to by contestant as leading.)

Q. Wherever the vote was challenged I asked them upon what ground the vote was challenged, and they said on the ground that the man had voted already. I asked them if they could sustain it, and they said yes, and I would not allow them to vote.

Q. Wherever the challenge was sustained, you objected to the voter?—A. Yes, sir; I believe as a general thing the colored people were perfectly satisfied with the way I conducted the election; there was no bad feeling about it at all.

Q. Were Republican challengers there, as well as Democratic challengers?—A. Yes, sir.

Q. Was the box at the opening of the polls opened and exposed?—A. Yes, sir; I did it myself.

Q. So as to show there was no tickets in it?—A. Yes, sir; I was the man that opened the box in the morning, and opened it at night.

Q. Did anybody, to your knowledge, tamper with that box?—A. Not to my knowledge.

Q. Did you notice how the tickets went in; did they go in folded up?—A. Every ticket was folded up, and poked in; the law was that they should be folded.

Q. Were the tickets folded so that you could not tell who they were voting for?—A. I don't care how carefully you watched them, you could not tell whether it was a Republican ticket or Democratic ticket, or what.

Q. Were there a good many colored Democrats around the poll that day?—A. There were some, not a great many; it is pretty hard to tell what a colored man's views are. I noticed the negroes in banding their tickets, they folded them up with so much care; I watched them a great deal; I thought they were Democratic tickets, but in opening them I was astonished; I knew they had been voted by the colored people; I don't know whether they voted them in that way or not.

Q. You opened the box after six o'clock?—A. Yes, sir; I opened it myself.

Q. Was the count conducted fairly?—A. Yes, sir; I was very particular about that.

Q. You conducted the count correctly?—A. Yes, sir.

Q. Was any protest filed with you, or any of the other managers?—A. No, sir; no complaint was made by anybody at all; the only complaint was when these men came from St. Andrew's; Col. Wallace came up there, and I told him that I had sent them to a trial justice; he said the trial justices' offices were not open. I said then I would take them from a notary, and they went off; some brought them back, and voted.

Q. There are a number of notary publics in Charleston, are there not?—A. I don't know, I think these papers were signed by Mr. Northrop.

Q. Whenever you were satisfied that the party had not voted elsewhere, there was no difficulty in his voting?

(Objected to by contestant as leading.)

A. No, sir; there was a man that belonged to my plantation that came to vote, and a wag said he had voted already, and I said "That is damn nonsense; he is entitled to vote"; and he voted.

Q. Had you been warned that day by any one to beware of repeating?—A. I was told by the president of the ward not to allow any repeating the night before, when he gave me the orders.

Q. Has not repeating been of very common occurrence in previous elections managed by the Republican party?—A. I have heard people say so, but I never saw any of it.

Q. You have had the advantage in your business of knowing a good many colored men?—A. Yes, sir; I lived with them all my life.

Q. You are pretty familiar with the negro character?—A. Yes, sir; I was raised on a plantation, and know a great many.

Q. Is it not a hard matter to tell the face of one colored person from another?—A. Yes, sir; it is a very hard matter.

Q. Have not the colored people, as your experience serves you, who have desired to vote the Democratic ticket, been a good deal in awe of their fellow colored people?—A. Yes, sir.

Q. Are they, as a rule, as a matter of fact, from your experience and observation, generally secretive in the matter of exercising their franchise?—A. Yes, sir; I think a Democratic negro in the country holds a very unenviable position. I would rather be anything else.

Q. You say you plant in St. Andrew's Parish?—A. Yes, sir.

Q. You are conversant with the face of the negroes?—A. I think so; I have been living among them all my life.

Q. Are there any peculiarities among the negroes in their mode of naming or styling themselves?—A. Yes; they have very peculiar views in that regard. There are some whose father's name is one thing, and the son's another. I know a man named Cæsar Sweetwine and I know another man named Thomas Greengrass, and there is another named John Steplight.

Q. Do they deal in many aliases?—A. How do you mean?

Q. Does one man have several names?—A. These fellows that you carry to jail have those names, but those on the plantations hold to their names; but if they wanted to do any rascality they would not mind changing their names.

Q. If they were endeavoring to repeat in an election, do you think their morality would be above styling themselves by any other name than the one they generally go by?—A. I don't think so.

Q. Is it not notorious that, notwithstanding the large State appropriations for the last ten years for the education of the negroes, that their morality has improved by reason of that education?—A. I think the negroes are about the same as I found them when I was twenty-one years old.

Q. That is, the country negroes?—A. Yes, sir.

Q. In case of the negroes in a gang coming to the city from plantations, would it be a usual or unusual circumstance for them to have their original master's name blending in various forms with their other names, so that two negroes in a gang would have, perhaps, the same common name, either preceding or succeeding such other name?

(Objected to by contestant as leading.)

A. They take their names in a very peculiar way; some have a great admiration for an aristocratic name and take the name of Middleton, and some of them have a peculiarity for peculiar names, like Sweetwine, and so on.

Q. In the direct examination of the contestant, it appears that on your poll-list are the names of negroes to whom some one family name, in various forms, would be entered. I wish you to explain whether this arose from fraud on the part of the managers or clerk, or from mistake, or from reading, or from the peculiarity from the negroes' own nomenclature?—A. I don't exactly understand what you mean.

Q. Say, for instance, one man calls himself after the Bull family, of St. Andrew's, Henry Bull, the next man calls himself Bull Henry, the next man William Bull, and the next man Thomas Bull; how do you explain these repetitions of the same name; does it arise from the

fact that they all came originally from the same Bull's plantation?—A. Oh, no.

Q. Or does it arise from the fact of repeating, or fraud of the managers?—A. They might repeat without your knowing, with all your care, you see so many repeating all the time; he may go off and come back and repeat without your knowing. I have known the negroes to have the names of all the leading families here. I have known negroes to have the names of Mildleton, Legare, and Hayue, and so on; all these negroes had titles before the war just the same as they have now.

Q. Please answer my question again; did the coincidence of names occurring on your poll-list arise from fraud or not?—A. If it arose from fraud, I don't know anything about it. I don't see how it could be fraud, for I saw every man's name when the clerk was writing it down. When the thing was over I opened the ballot-box and had everything put in the box, and turned over to the commissioners of election belonging to that poll.

Q. Is not the name of Bull a very old name in South Carolina?—A. Yes, sir; there is a monument erected to the Bull family up there; he was governor in colonial times.

Q. Their country seat is in St. Andrew's Parish?—A. Yes, sir; adjoining my plantation.

Q. It is one of those aristocratic names that the negroes like?—A. Yes, sir.

Q. Is there anything strange that the name of John B. Bull was on your poll-list?—A. No, sir.

Q. The Bulwinkles are residents of Charleston, are they not?—A. Yes, sir.

Q. Is it an extraordinary fact that a negro should take the name of Bulwinkle?—A. Not at all.

Q. All the names of Ravenel, Chaplain, Fripp, Hamilton, or all such names?—A. No, sir; Hamilton is a very common name.

Q. Are they not the names that negroes would fancy?—A. Yes, sir; they have a peculiar fancy for aristocratic names.

Q. The name of Deveaux is well known to the country?—A. Yes, sir; I knew a negro that died on my place last week who was named Stephen Deveaux.

Q. The Mikells, of James Island, you remember well?—A. Yes, sir.

Q. And the Lawtons have also been in the past wealthy; a family owning large numbers of negroes in that parish?—A. Yes, sir.

Q. Did not a large number of negroes from James Island and from St. Andrew's Parish vote at that poll?—A. Yes, sir; a good many voted at my poll, not from James Island, but from St. Andrew's Parish. I don't know where the James Island negroes voted.

Q. Was there a precinct on James Island?—A. I don't know; I was not there.

Q. Is James Island a part of St. Andrew's Parish?—A. Yes, sir. I heard that there was to be a poll at Dill's Bluff.

Q. Was there any necessity for James Island negroes to vote in the city if there was a poll on James Island?—A. None at all.

Q. Is there not a broad bay at the mouth of the Ashley River between James Island and Charleston?—A. Yes, sir.

Q. Would it or would it not be an exceedingly inconvenient matter for any person residing on James Island to vote in Charleston, unless he had some special motives for so doing?—A. I think it would have been better for them to have voted there; there was no necessity for them to come to Charleston if they had a poll there.

Q. Would or would not be a ground for suspicion of fraud if a negro left the James Island poll and did cross the bay to vote?—A. Yes, sir. I was warned to be on the lookout for that very thing; it was reported that they were going to vote here, and then go over to James Island.

Q. What is about the width of the Ashley River across to St. Andrew?—A. Very nearly two miles.

Q. What is the width of Wappoo Cut at the crossing?—A. At low water I have driven across it; at high water it is about three times as wide as Broad street.

Q. Broad street is about sixty feet wide?—A. By guess, about 200 feet across.

Q. If the clerk of the managers employed persons in the keeping or preparation of the poll lists, were the managers participants in any frauds regarding the same?—A. Not that I can positively know of. I had him under my supervision all the time.

Q. It is alleged that there five kinds of handwritings on the Marion engine house-poll-list; do you admit that those handwritings are evidences of fraud?

(Objected to as leading by contestant.)

A. No, sir; those handwritings were caused in this way: When the clerk would go out we would get Mr. Boylston to write some names, and we would also get Mr. Jager to write some names.

Q. He may have got other helps so far as you know of?—A. He might have; there was never a crowd, except to vote in the morning, when the negroes came over to vote from St. Andrew's.

Q. You say you are conversant with the negro character?—A. Yes, sir; I believe so.

Q. Are they usually frightened by the power and majesty of official authority?—A. Yes, sir; they have great respect for authority; they have a great idea of the government.

Q. You say they have great awe of the government?—A. Yes, sir; of any government at all; they have respect for anythinglike authority.

Q. Does this affect their sentiment in any way towards the United States officials?—A. They look upon anything that belongs to the government, or has anything to do with the government, they must avoid—things coming from Washington has that effect upon them.

Q. Who is the United States district attorney?—A. Mr. Northrop.

Q. Is he a Republican?—A. I believe so.

Q. Is the presiding judge of the United States circuit court regarded as a Republican?—A. Yes, sir; he is a Republican; I always heard so.

Q. Have Ellinton and Kuklux trials had any effect upon the public of this State in the way of intimidation or terror?—A. I don't think so at all. I don't know anything about it: they had no Kuklux in the lower country.

Q. By general notoriety were those trials conducted fairly?—A. I don't know anything about that business.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Do you think that either the Ellinton trials or the Kuklux trials had anything to do with the last election in any way, either direct or indirectly?—A. The fact is, I don't know anything about it.

Q. Did those trials have the effect of intimidating either the white or colored people from voting as they pleased?—A. I don't know anything about it.

Q. Have you ever heard any talk among the class of people whom you are associated with?—A. I saw it by the papers; that was several years ago; after that it died out and I never heard anything more about it.

Q. You said that the voters from St. Andrew's could have gone to James Island much easier than have to Charleston; do you mean to say that all the voters from all parts of James Island could have voted there easier than have come to Charleston?—A. Yes, sir.

Q. Where was the poll established?—A. At Dill's Bluff.

Q. How far is James Island from Dill's Bluff?—A. Four or five miles.

Q. How far is Wappoo Cut from Dill's Bluff in St. Andrew's Parish?—A. About seven miles. They have to pass by Dills Bluff.

Q. How far is it from Wappoo's Cut to the ferry on the other side of the river, opposite side of the city?—A. About the same distance.

Q. Is there any ferry to Wappoo Cut, between James Island and St. Andrew's Parish?—A. No, sir; but they could have established a ferry.

Q. Did any one establish such a ferry?—A. No, sir.

Q. Was there not a ferry between St. Andrew's and Charleston?—A. Yes, sir; there was no ferry there, but there were people living who had boats and put them across.

Q. Was it not more natural for them to go to a landing where there was a ferry than where there was no ferry?—A. No; it was not.

Q. What kind of boats did the negroes at Mikell's have to carry people across?—A. The same boats that Burus has.

Q. There was no public landing on James Island on Wappoo's Cut?—A. No, sir; but there is a public road. There was a public road there before the war, and is now.

Q. Would not people crossing from Wappoo Cut have to land at private landings on the other side of the river?—A. They could have had landed at the private landings; no one would have stopped them from landing.

Q. To those people who live near Bee's Ferry would it be as convenient to go to James Island or to come to Charleston?—A. They could have crossed over to Charleston easier.

Q. Those voters who formerly voted at the club-house precinct, it would have been nearer for them to have to come to Charleston than for them to have gone to James Island?—A. Yes, sir; it would.

Q. About how many colored people from St. Andrew's voted at your poll?—A. I cannot tell exactly; but I know there were a great many. I knew a great many belonging to the upper part of the parish, and there was some of them I was satisfied had not voted, and I allowed them to vote.

Q. Nearly all of those men from St. Andrew's Parish that voted at your poll were known to you?—A. Pretty much known.

Q. You are pretty well acquainted with the colored people in St. Andrew's Parish?—A. Yes, sir.

Q. Do you know any colored people over there by the name of Beckworth?—A. There is a Beckworth there that helps Burns; he hauls the rocks that come from Columbia and all about.

Q. In speaking of the peculiarity of names amongst the negroes, do you mean to say that it is a common thing for negroes to interchange their names in this way, as Green Ray and then Ray Green; then Caesar Peterson, then Peterson Noble, and then Noble Price?—A. Sometimes you will find that the case with white people, too. Look at Charles Henry here; there are three people in that family by the name of Henry.

Q. Do you recollect any persons of that name voting at your precinct at that election?—A. I don't recollect that; I did not have the time to think of it.

Q. If three men had come up together, one named Caesar Peterso and the very next one Peterson Noble, and the third one Noble Price each one interchanging names in this way, would it not have struck you as being a little remarkable?—A. I don't think it would. I was watching the voters; it was the clerk's business to put their names down. I was trying to see if I could watch the men so that they could not vote twice.

Q. Did they make it a habit of coming up there in whole families together?—A. I don't remember.

Q. Don't you think that 50 or 60 people came up there to vote, all had voted, in families of three and four or two and three in one family one after another, that it would have attracted your attention?—A. I don't know about the half hundred, but I know, on my own place, there is Toney Mitchell, Sam Mitchell, Cupid Mitchell, old Captain Mitchell, young Captain Mitchell, and John Mitchell.

Q. Did that family of Mitchells votes together at your poll?—A. I don't remember.

Q. Did they vote together, one after the other?—A. I cannot tell you to save my life.

Q. Then you say that the fact of fifty or sixty people voting together one after another, one family succeeding another, that rapid succession would not have created any surprise to you?

(Counsel for contestee advises the witness not to answer the question. Contestant claims that he has the right to ask the witness? Did I say that he had no right to say that the witness did say so? Contestant further says that what counsel for contestee advises is not required.)

A. Let me understand that question correctly. Does Mr. Mackay mean to say that if fifty or sixty Mitchells would come up to vote under the same name, would I consider it a strange coincidence? No instance of that kind occurred that day.

Q. What I desire to know is, whether or not you would have been surprised if, on the day of election, at that poll, three or four persons bearing the family name of Duckworth had voted, one right after the other, and were then succeeded by a family of Adamses, and then followed by a family of Reeds, and then by a family of Greens, and then by a family of Porchers, and then by a family of Ravenels, and then by a family of Johnsons, then by a family of Frippses, then by a family of Simmonses, then by a family of Orleauses, and then by a family of Merritts—I want to know if such a state of affairs would have been so ordinary that it could have escaped creating any surprise in you?—A. It would not create any surprise, for this reason, that the country negro, like the country white men, they all come up and vote together; they are very clannish in that way; they will generally come up together; it is a very common thing; it would create no surprise to me at all.

Q. Then am I to understand you that the people at your poll vote all in families?—A. I cannot say that they voted together all in families, but I say it would not have created any surprise to me if they had.

Q. The meaning of my question is not that families voted together and then other parties intervened, and then another family came up; but what I mean to convey—at a poll in the city of Charleston, but not on Edisto's Island—would not the fact of ten or twelve families voting together create surprise?—A. I don't know. As a general thing, I do not go amongst the negroes.

Q. Have you ever heard of it occurring at any other poll, except at the one at which you was a manager?—A. I never heard of it before.

I was looking at the faces of the people more than the names; that was the clerk's business.

Q. Did not people from St. Andrew's Parish vote at other polls in the city?—A. I don't know; I never left my poll.

Q. Don't you think it would have been an extraordinary state of affairs if this voting of families in the manner I have indicated was confined to your poll only?—A. Well, I don't know; if there was any difference, it may be owing to a great many country people voting at my poll.

Q. Who kept your poll-list during the day?—A. I don't know; I went to see Mr. Barckley to ask him his name, but he was out of town; I said I wanted to get some one to do the writing for me., but he got him for me.

Q. In the keeping of the poll-list did he properly keep it?—A. I think so, as near as I can judge.

Q. Did you have any other clerk besides him?—A. Not that I know of.

Q. You say he never left but to eat and go back in the yard?—A. Yes, sir.

Q. About how often did he leave that poll-list?—A. That I don't know.

Q. Was he absent from the keeping of that poll-list about an hour during any time of the day?—A. He was not absent very long at any time.

Q. Did he leave that poll-list for more than five or ten minutes at a time?—A. No, sir.

Q. Did you write any names on the poll-list?—A. I did not.

Q. Did any of the other managers write any of the names on that poll-list?—A. I think Mr. Jager wrote some.

Q. Did Mr. Locke write any of the names?—A. I don't think so.

Q. Did Mr. Jager keep that poll-list any length of time?—A. I think he helped the clerk when he wanted to go outside.

Q. Did anybody from the outside help to keep that poll-list?—A. Not that I know of.

Q. The poll-list that was kept at that poll was the original sent to the commissioners of election or a copy?—A. When we got through I signed the poll-list, and it went along with the box.

Q. The same poll-list that was used during the day was signed and sent to the commissioners?—A. Yes, sir.

Q. Was that poll-list in loose sheets or fastened together?—A. I don't recollect.

Q. On what kind of paper was it written?—A. White paper.

Q. Blanks furnished you by the commissioners of election?—A. I don't know where Mr. Barckley got them; he brought them and gave them to us.

Q. Who is Mr. Barckley?—A. The Democratic president of the ward. I know the supervisor and clerk were looking over the paper that morning. I had just as much as I could do to attend to the watching of the voters.

Q. Will you undertake to say that that clerk could not have tampered with the poll-list without your knowing about it?—A. He might have cheated me easily enough, but Dautzman was right there.

Q. How could you tell about Dautzman if you were not there?—A. They were right there.

Q. Did not Dautzman and Boylston leave the clerk during any time that day?—A. I don't know whether they did or not; I could not watch the United States supervisors; I was not put there to watch them.

Q. How could you say they were watching the clerk if you were not watching them?—A. Because they were there watching him.

Q. Please explain by saying what you mean, that the clerk could not have tampered with the poll-list unless the supervisor saw him.—A. Because he had his two eyes upon it, and if I was suspicious I would have watched him.

Q. How could you tell that the supervisors were watching the supervisors?—A. I might not be watching you, but if I saw you looking at that paper I would know that you were looking at it.

Q. Could not the clerk have tampered with that list without you or the supervisor seeing him?—A. He could have, as my back was turned to him; but if the supervisors did not see him it was a very strange thing.

Q. Do you mean to say that those two supervisors kept such a watch upon the clerk that he could not have tampered with the poll-list?—A. Yes, sir.

Q. And you know that without watching the supervisors?—A. Yes, sir.

Q. With your back turned to them?—A. I did not tell you that I had my back turned to them all the time.

Q. Did you have your back turned to them half of the day?—A. Do you mean to say that I stood in that position with my back turned for a half day?

Q. I mean for all the time?—A. I was moving about so much that I could not do it.

Q. Who swore the voters?—A. Sometimes I did, and sometimes Mr. Locke.

Q. Who swore the most?—A. I did.

Q. While you were swearing the voters were you looking to see what the supervisors were doing?—A. No, sir; because they were behind me.

Q. When you were swearing the voters, was your back turned to both the clerk and the supervisors?—A. Yes, sir.

Q. And you could not observe what they were doing?—A. No, sir.

Q. Did you have any female employed as a clerk during that day at your poll?—A. No, sir; we had no female employed there.

Q. That poll-list, as I then understand, was kept most of the day by the clerk?—A. Yes, sir.

Q. And occasionally by Mr. Jager?—A. Yes, sir.

Q. Were those the only two persons who had anything to do with the keeping of the poll-list?—A. I think Mr. Boylston wrote some on it.

Q. Besides those three persons, can you remember anybody that had anything to do with it?—A. No, sir. Mr. Locke may have written a few names; they never asked me to write, and not have written if they had asked me.

Q. Did Mr. Jager keep that poll-list for one hour or more?—A. I could not tell you.

Q. Did Mr. Locke keep that poll-list for one hour at a time?—A. I don't know; I was very particular about the voting; I did not pay any particular attention to them.

Q. Whenever the vote of a person was challenged on the ground that he had voted at some other poll, was the challenger compelled to submit his challenge upon oath?—A. I asked him upon what ground he challenged him; he would state. I then asked him if he could sustain it by his oath, and if he said no, I would let him vote. If the challengers were sustained at the polls, how many votes do you think we would

have taken at that poll? If a man challenged a man out of nonsense, I would pay no attention to him; I would let him vote.

Q. Who is the Democratic president of ward 6?—A. R. C. Barckley was.

Q. Was he the person who told you the night before the election about repeating?—A. I think he was; he gave me directions what to do.

Q. Did I understand you to say that there was a great deal of pressure among the colored people to make them vote the Republican ticket?—A. A great pressure.

Q. Is there not as great a pressure amongst the white people to make the white people vote the Democratic ticket?—A. No, sir, not by any means, because the way the white people treat the white people is different from the way that the colored people treat the colored people.

In reply, by M. P. O'CONNOR, contestee:

Q. There was an excess of votes in the ballot box over the number of names on the poll-list?—A. Yes, sir.

Q. What was that excess?—A. I forget what that was, but I made them blindfold the man that was to draw the surplus ballots out, and destroyed the excess as he drew them out to correspond with the poll-list.

Q. Was not the excess ten or eleven?—A. I think it was in that neighborhood.

Q. Were there less Democratic tickets destroyed than Republicans?—A. No; I think that there were more Democratic tickets than Republicans; there was a remark made about it at that time; one of the negroes remarked that an honest man could not be anything else but honest, even with his eyes closed.

Q. On your cross-examination you spoke of watching the faces of the voters to catch some one voting twice. Is the identification of negroes so difficult that it was necessary for you to watch them in this way?—A. I could have caught some of them; there was some that I knew, and I could not by accurate means have caught them with accuracy.

Q. You were familiar with their faces by residence in the country?—A. I could have detected those I knew, but they could have voted others that I did not know.

Q. A great many persons voted there that you did not know?—A. Yes, sir; crowds of country negroes came from up the road that I did not know.

Q. Is it a common thing for negroes to come down to the polls in gangs from the various plantations?—A. They generally come in gangs.

Q. You testified that you signed the poll-list; are you positive that no pages of that poll-list had been copied for clerical improvement prior to your signature?—A. I think the poll-list was correct. If it was, it was done without my knowledge. I was anxious to see that everything went right.

Q. You say your back was turned swearing the voters in; did that prevent you constantly seeing Supervisor Dautzman?—A. Yes, sir; when I was in that position I could not see him a good many times; I could not see what was done behind me.

Q. Did your position prevent you knowing if Dautzman did remain in the vicinity of the clerk?—A. I could tell if a man went off, but I could not pay attention to what was going on.

Q. The Republican supervisor, I understand you, whenever you turned,

was watching the clerk with suspicious scrutiny?—A. Yes, sir; he did his duty faithfully.

Q. You mean his duty to his party?—A. Yes, sir; and Boylston did all he could for our party.

Q. Is the moral education of the half-breeds or mulattoes superior to that of the negro population at large?—A. I don't know; they certainly ought not to be, because they are descended from part bad blood, because their parents were not virtuous; as far as I am concerned I believe the blacks are more virtuous.

Q. There are some very highly respectable mulatto people in South Carolina?—A. Yes, sir; there are indeed some very respectable men.

Q. You don't mean to deny that?—A. I know some that I look upon with a great deal of respect.

Q. But the mass of the mulattoes, do I understand you to say, are the bastard offspring of illegitimate amalgamation?—A. Yes, sir; throughout the country.

Q. And often are the inferiors of the pure negro?—A. Yes, sir; and I have always told the negroes so, too; I think more of a coal-black negro than I do of a mulatto.

Q. Do I understand you to be uncertain as to the exact number of persons who aided the clerk in the keeping of his poll-list?—A. Yes, sir; I am uncertain.

Q. You have mentioned four or more, I believe?—A. I said I believed Mr. Boylston wrote a few names, Mr. Jager, Mr. Locke, and the clerk.

Q. And you would not be unprepared to swear there were no others?—A. That I would not say, for I know the clerk had help.

Q. And I understood you to deny that different handwritings appearing on the poll-list are therefore necessary evidences of fraud?—A. I think there was no fraud about it at all; I believe my poll was carried on fairly and squarely; and I can bring colored people to prove that I done all that I could to have everything carried on fairly and squarely.

Q. Did you see any attempt to interfere with Dautzman in his rigid scrutiny, or to prevent him from discharging his duties fairly?—A. We never interfered with him at all.

Q. He was given every opportunity to discharge his duties?—A. Yes, sir.

Q. Did he file any protest with you about the way the election was conducted?—A. He murmured once or twice about some men that voted, and we explained it to him, and he was satisfied.

Q. Did any person complain about the illegality of the poll-list so far as you gentlemen are concerned, or were those comments made, and you took no notice of them?—A. None at all; when I met Dautzman in Meeting street that day we had a pleasant talk; he said he was satisfied that everything was conducted fairly.

Deposition of Edward Eiserhardt.

CHARLESTON, October 4th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

EDWARD EISERHARDT (white), a witness of legal age, produced by

contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am 38 years of age; residence, Charleston; occupation, a farmer.

Q. How long have you resided in Charleston?—A. Since 1865.

Q. Did you take any part in the election of 1878?—A. Yes, sir; I was manager at ward 7 poll.

Q. There is only one poll in that ward?—A. Yes, sir.

Q. Who were your co-managers?—A. Capt. James Guy and young Johnston.

Q. Who was the Republican supervisor?—A. Lyons.

Q. Who was the Democratic supervisor?—A. A man named Owens.

Q. Was there any deputy United States marshals there?—A. Yes, sir; on the Democratic side George Cannon; the Republicans had a great many; I only one by the name of Houston.

Q. When was the poll opened?—A. The poll was opened at six o'clock; we started our poll in the street because they refused to open the engine-house door, until Capt. Rhett came up and ordered the engine-house door to be broken open with an ax.

Q. Who is Capt. Rhett?—A. He was chief of police.

Q. Thereupon you removed the box from the street into the engine-house, right by the door?—A. Yes, sir.

Q. Did you open the box and expose it to those persons present before you commenced taking the votes?—A. Yes, sir.

Q. Did you expose it so as every one could see it?—A. Yes, sir; every one could see it; there was about one hundred persons outside who could see it.

Q. Were those one hundred people around the poll that morning when it first opened principally colored people?—A. Hardly was there a white face amongst them.

Q. Were the faces of the colored men who were there familiar to you, or did they appear to be colored people from the country?—A. A great many came there with their knapsacks on, with rations in them for three or four days; they had on country people clothes; in less than a quarter of an hour they increased to three or four hundred.

Q. Were there any Democratic ralliers around the poll?—A. Yes, sir.

Q. Were they active-active in bringing up voters to the poll?—A. Just like at every other election.

Q. Were the majority of the votes taken there colored votes?—A. Well, I tell you we polled more colored votes than we polled votes altogether; we never polled more than between six and seven hundred, and we polled between eleven and thirteen hundred colored.

Q. You polled more at this election than had ever been polled there before?—A. Yes, sir; white and colored voters in that ward.

Q. How did they vote their ballots, open or folded up?—A. Some of them voted them folded up, and some voted so secret that you could hardly see the ballots at all.

Q. You just saw the motion of their hands?—A. Yes, sir; we could not ask them to let us see their ballots; it was none of our business.

Q. Was the Republican supervisor in a position to overlook you and see all that was going on?—A. He was right by the table in the inside of the engine-house, and the deputy marshals were right in front of the table; Mushington was one of the deputy marshals, too.

Q. They were all inside?—A. Yes, sir; inside; the box was on the table and Lyons was sitting on my right; he had a little table inside, alongside of our table.

Q. Who kept the poll-list?—A. Mr. Baker; whenever he went out I kept the poll-list or Guy kept it.

Q. When he would go out to relieve himself?—A. Yes, sir. I wrote about a half dozen names, and Captain Guy about a half dozen; the balance he wrote himself.

Q. Was the election conducted fairly and impartially?—A. To my knowledge.

Q. Did anybody there that day tamper with or handle the poll-list?—A. Nobody.

Q. When did you close the poll?—A. At 6 o'clock in the evening.

Q. And you proceeded to count the votes?—A. Yes, sir; in the presence of Supervisor Lyans and several others. Owens was there, but he left; Lyans staid there to the last, and followed us to the court-house.

Q. After you had completed your count you turned your ballot-box over to the commissioners?—A. Yes, sir; and the poll-list we put it in the box.

Q. Did you count the votes to ascertain whether there was an excess of ballots in the ballot-box over the poll-list?—A. Capt. Guy counted the votes; they were all sitting around; Lyans was sitting opposite; there was about fifteen or twenty there.

Q. You remember whether there was an excess of more votes than names on the poll-list?—A. Yes, sir; about seventy or eighty.

Q. You put the tickets back into the box?—A. Yes, sir; and they were shaken up, and Capt. Guy was blindfolded and he drew out one after another.

Q. When he was drawing the votes out, could he see?—A. No, sir; it was fairly and squarely done; everybody could see it done.

Q. As soon as the tickets were drawn out they were destroyed?—A. Yes, sir; destroyed.

Q. Could you tell whether there were any Democratic tickets drawn out?—A. There were very nearly two-thirds Democratic tickets drawn out, and one-third Republican tickets; certainly more Democratic tickets than Republican tickets were drawn out.

Q. Did the Republican supervisor file any protest against the regularity and fairness of the election with you or the board of managers?—A. No, sir.

Q. When he was going down was he satisfied?—A. He was perfectly satisfied; he did not sign the certificate then, but he said he would sign it afterwards; he was perfectly satisfied. I don't know if he signed the certificate or not; he kept tally with us, and his list corresponded with ours.

Q. You say his poll-list corresponded with yours?—A. Yes, sir; with the clerk's.

Q. At this poll did you swear one or more voters at a time, when the voting was thick and fast?—A. We swore sometimes three, and sometimes one, just as fast as I could talk; in the morning they came very thick upon us.

Q. Did you observe what kind of tickets were exposed on the tables?—A. There were Republican tickets and Democratic tickets, as at every election.

Q. You did not inspect them?—A. No, sir; all I had to do was to take care of the box; I had nothing to do with the tickets.

Q. Say the election was conducted fairly and impartially throughout?—A. To the best of my knowledge.

Q. Do you know anything else with regard to the election at that poll, that I have not asked you?—A. Yes, sir; one of the deputy United

States marshals, Houston, complained to United States Marshal Wallace that I prevented one of his men who lived in his (Houston's) yard from voting. Wallace said, "Is the man here now?" Houston said, "Yes." He said, "Call him in here now while I am present." He came in, in front of the ballot-box. I asked him, "Do you live in Mr. Houston's yard?" He said, "Yes." One of the outsiders said, "We just spotted him from ward 8." I then asked him again if he lived in Mr. Houston's yard, and he said, "No; I live in Mr. Fritz Vollen's yard." I deputized a man then, Mr. Cox, to go and see where he lived, and he commenced crying and said, "No, sir; I don't live there. Houston, the deputy United States marshal, persuaded me to say so."

Q. What did Mr. Wallace say?—A. Mr. Wallace then said, "Please let that man go; I see he was persuaded by Houston"; and he said, "Have Houston arrested." I then let the man go, and had Houston arrested. Mr. Wallace turned around to me and said, "I am satisfied." Muskingum and all were present. Wallace and one of his deputies were present, and several others.

Cross-examination by E. W. M. MACKEY, contestant:

Q. For whom did you vote?—A. I voted the regular Democratic ticket.

Q. You are a Democrat?—A. Yes, sir. I always was.

Q. Were not the other two managers Democrats also?—A. Yes, sir, to the best of my knowledge; but I cannot tell how they voted.

Q. Was not the clerk a Democrat?—A. I think so.

Q. How often during the course of the day did the clerk leave?—A. I don't believe between us two we wrote twenty, thirty, or forty names; the balance was his. I can swear for my own. I don't believe I wrote more than six, and Captain Guy more than a dozen.

Q. He was only absent a very few minutes during the day?—A. Yes, sir, a very few minutes; that is all.

Q. Did he keep his poll-list on loose sheets, or on paper fastened together?—A. On paper fastened together, to the best of my knowledge.

Q. Was not the paper that he kept his poll-list on, the blanks furnished you by the commissioners of election, tacked together with brass tags?—A. To the best of my knowledge.

Q. At the close of the election what became of that poll-list?—A. It was right alongside of the ballot-box; it never was moved away from the ballot-box; the names were counted and the ballots were counted, and we found seventy or eighty votes in excess.

Q. Did you turn that poll-list over to the commissioners of election?—A. At the close of the election we put the poll-list right into the ballot-box, and turned it right over to the commissioners of election.

Q. When that poll-list was put into the box was it not in loose sheets?—A. To the best of my knowledge it was attached together with those brass tags.

Q. Are you positive about that?—A. To the best of my knowledge.

Q. Can you not say whether you are positive or not?—A. To the best of my knowledge, when I wrote on it it was tagged together.

Q. Are you willing to swear that you are certain that when that poll-list was put in that box it was tagged together?—A. I can swear that when I wrote those few names on it it was tagged together, and I can swear that when the poll-list was right alongside of the ballot-box it was together. And it was, to the best of my knowledge, received there tagged together.

Q. Who counted the names on the poll-list to ascertain the whole

number of votes polled?—A. Mr. Baker, in the presence of the deputy marshals and supervisors.

Q. Name the men in whose presence they were counted.—A. Deputy Marshal Mushington and Supervisors Owens and Lyans; right open on the table.

Q. Did Lyans keep a poll-list?—A. I don't know what he kept Lyans could not write.

Q. You say he could not write?—A. To the best of my knowledge he could not.

Q. If he could not write he could not keep a poll-list?—A. I don't know anything about it.

Q. How can you swear, then, that his poll-list corresponded with yours?—A. He kept a tally, and that corresponded with ours when we got through.

Q. What you mean to say is, that he kept a tally of the votes as they were counted?—A. Yes, sir.

Q. You don't mean to say that he kept a poll-list of the voters as they voted?—A. No, sir.

Q. You say you don't believe Lyans can write?—A. He may write, for all that I know. I say he didn't keep any poll list. He had a book and scribbled in it.

Q. How can you say that he cannot write?—A. I can't say if he can write or not. He had a book there and scribbled in it all day, but I am positive he kept no poll-list.

Q. When the poll opened in the morning did not Lyans have a clerk there to keep the poll-list?—A. I don't recollect.

Q. You don't recollect a colored man by the name of H. L. Bell or being there for the purpose of assisting him in keeping his poll-list?—A. No, sir. Mr. Guy had charge of the box in the commencement and Mr. Lyans was sitting there. I did not see him.

Q. Do you know H. L. Bell?—A. No, sir.

Q. Of the persons who voted at that poll, which were in the majority the white or the colored?—A. We polled more colored votes than white than we ever polled white and colored at any previous election.

Q. Of the persons who voted there, which were in the majority, the whites or the colored?—A. The colored.

Q. You are certain more colored people voted at that poll than white people?—A. Yes, sir.

Q. Did your clerk keep the list of white and colored separately on his poll-list?—A. I believe they were all mixed.

Q. Were you not instructed not to keep them separate?—A. No, sir.

Q. Did not the poll-list furnished you by the commissioners of election have a heading on it, "In keeping this poll-list make no distinction in color"?—A. No, sir; I don't know anything that was on the top of it. Capt. Guy went down and got the box. I opened it so as they could see that all was right.

Q. Do you deny that there was any such heading on that poll list?—A. I don't know anything about it.

Q. You did not notice it?—A. No, sir.

Q. You did not examine it?—A. No, sir. I only wrote those few names, and when the clerk came in I turned it over to him.

Q. When you put it in the box did you not notice that such a heading was on the top of it?—A. No, sir.

Q. Were the number of colored people that voted at that poll very largely in excess of the white?—A. Yes, sir.

Q. About two-thirds of them colored?—A. They came in there in gang

I never saw as many there at our polls before; in the morning crowded by colored people.

Q. Was every colored man that offered to vote at that poll allowed to vote there?—A. No, sir; because outsiders said they spotted them from ward 8.

Q. Upon that you refused to let them vote?—A. No, sir; we sent men with them, and when they came back and said that all was right we let them vote.

Q. Then you did not reject many voters there that day?—A. Oh, yes, sir.

Q. How many?—A. I could not tell.

Q. Don't you think you rejected more than 100?—A. Yes, sir.

Q. And yet you swear that just as fast as they offered to vote you voted them?—A. Yes, sir; but an outsider objected to his voting. I sent a man with him, and when he came back and said it was all right, he was allowed to vote.

Q. Was the number of votes polled at that poll very much larger than the votes usually polled at ward 7?—A. Yes, sir.

Q. How many more votes you suppose were polled there than in other elections?—A. 500 or 600 more; the colored people came in droves; the whole of Columbus street was lined with them.

Q. Where did they come from?—A. An outsider said they came from ward 8, but you could see they were country people; why, some of them said they came from North Carolina, and from Jacksonville, and from all directions.

Q. Don't you know that the best part of them came from up the road, from the parishes of St. Andrew's and Goose Creek?—A. I don't know them; they were strange faces.

Q. You say they had knapsacks on them, with three or four days' rations in them?—A. Some of them.

Q. How many?—A. A very large number.

Q. Some 200 or 300?—A. I cannot say.

Q. More than 100?—A. Oh, yes, sir.

Q. More than 200?—A. It is such a long time I cannot recollect.

Q. How often during the day did you swear voters, two or three together?—A. That is more than I can tell you.

Q. Was that a common occurrence, for you to do that?—A. Yes, sir; just as fast as I could; I was hoarse that night; sometimes 3 and 4 together, sometimes one.

Q. Was the voting going on constantly during the whole day?—A. Yes, sir; the whole day; one time just as fast as I could swear them, they came up on me.

Q. When the hour of 6 o'clock arrived did you close the poll?—A. Yes, sir; I closed the poll.

Q. Were there any persons outside who had not voted?—A. That is more than I could tell; when 6 o'clock arrived it was done.

Q. Did I understand you that from the time the poll opened to the time the poll closed you were kept busy, with hardly a moment to spare?—A. Yes, sir.

Q. Swearing them either three or four at a time?—A. Not all the time.

Q. The best part of the time?—A. No, I would not say that either; but we were busy all day.

Q. It was a common occurrence for you to swear them three and four together, was it not?—A. It is such a long time I cannot recollect, but just as fast as they came up we swore them.

Q. What were all of these colored people from the country doing around that poll?—A. That is more than I can tell you.

Q. In the interest of what party were they there?—A. I could not tell.

Q. Can you not tell whether they were Republicans or Democrats?—A. That is more than I can tell.

Q. What ticket did they vote?—A. That is more than I can tell.

Q. Don't you think that all these people were brought there from the country in the interest of the Democratic party?—A. I don't think so; they were there in the interest of the other side.

Q. They seemed to be under the influence of the Republicans?—A. Yes, sir.

Q. Whenever any of them were challenged they were generally challenged by the Democratic challengers?—A. Yes, sir.

Q. Therefore the Democratic challengers must have been opposed to their voting?—A. No such thing; some outsider made the remark that they had just come from ward 8, and I sent a man with them to see.

Q. Have you any reason to believe that this vast crowd of colored people were brought there to vote at this poll in the interest of the Democratic ticket?—A. That is more than I can tell.

Q. Now, is it not your opinion that that vast crowd of colored men were brought there by the Republicans for the purpose of voting the Republican ticket?—A. I cannot tell that, either. I don't know what they were brought for. I had no business outside; my business was inside to see if the balloting was fair and square.

Q. Had you not been warned to prevent these colored people from the country voting?—A. None; I took it upon my own judgment.

Q. You had received no warning from parties that they were repeating?—A. Certainly, from outsiders that they were repeating.

Q. Who were these outsiders that warned you, Democrats or Republicans?—A. More than I can tell.

Q. Are you not thoroughly acquainted with most of the Democrats in your ward?—A. Yes, sir.

Q. Do you not know whether these were Democrats or Republicans that warned you?—A. No; there were so many faces at the time I could not tell.

Q. Did you at any time previous to the day of election receive any warning from anybody or through the Democratic commissioners of election, that there was great danger of repeating on the part of these people?—A. I received no such warning.

Q. Who was chairman of your board of managers?—A. Capt. Guy.

Q. When did you first see the Democratic tissue tickets?—A. I saw several outside. I saw Mr. Thomas Moore vote one. I went over to get a paper, and a friend of mine had one of these tickets in his hand; it was a small ticket.

Q. When the tickets were being turned out of the box while the excess were being drawn, did you examine each ticket as they were being drawn out?—A. After the tickets were drawn out, I was worn out and had to get something to eat.

Q. Did you examine them as they were drawn out?—A. No, sir.

Q. Did you look at them when they were drawing out the excess, the 70 or 80 in excess?—A. Yes, sir; supervisors and marshals on both sides saw them when they were drawn out; they said afterwards that Capt. Guy drew out two-thirds Democratic tickets and one-third Republican.

Q. Who was that?—A. A young man named Simmons said so.

Q. At the close of the election did the Republican supervisor sign the return of the election?—A. I don't think so.

Q. Did he not refuse to sign it?—A. No, sir; he was perfectly satisfied.

Q. But yet he didn't sign it?—A. No, sir; he made some excuse.

Q. How many deputy United States marshals were around that poll?—A. I don't know.

Q. Have you any idea how many were there?—A. I could not tell you; that had badges on around there, there was Mushington and Houston.

Q. Did you see any more than two deputy marshals at that poll at any time during that day?—A. I don't recollect; I know those two particularly because they was standing right by the table.

Q. Are you certain there was 5 or 600 more vote polled at the election of 1878 than there was at the previous election of 1876?—A. To the best of my knowledge, yes, sir.

Q. Did as many white men vote at your poll at the last election as voted there in previous elections?—A. I think so.

In reply by M. P. O'CONNOR, contestee:

Q. You have had some experience, and have been an observant of manner in which elections have been conducted in previous years?

(Objected to by contestant as not in reply.)

A. Yes, sir.

Q. Were you not on that day on the lookout to guard against repeating at that poll in consequence of your experience that in past elections a great deal of repeating had been carried on by the Republican party? (Objected to by contestant as not in reply.)

A. Yes, sir; just as soon as they said they spotted them from other wards we sent some one with them.

Q. Were you not put on your guard against repeating at your poll in consequence of this vast crowd of strange people, that you had never seen before, surround the poll?—A. I was not directed by anybody. I undertook it myself. I would not let them vote until I was satisfied that they had the right to vote.

Q. Was any person ever rejected or refused at your poll that day, except after they had been challenged and after the managers had decided that the person offering to vote, and when challenged, had disqualifyed himself by voting at some other poll, or by his not being a resident of the county?

(Objected to by contestant as being leading.)

A. I only can vouch for myself, I cannot for others; in the morning when they commenced to vote, Captain Guy made no objections whatever; they voted right on, every one of them, just as they came, until we saw it was impossible to let them go on; when we saw this crowd coming more and more, we got on our guard, and were more careful; about a quarter or half past six we had between three and four hundred, and there was hardly a white face among them.

Q. Who was this man that you heard had polled five hundred up the road?—A. Mr. Dunnemann.

Q. Who was Mr. Dunnemann?—A. A Republican.

Q. Has he not the reputation of being a radical ralier and repeater? (Objected to by contestant as not in reply, and as leading.)

A. Yes, sir.

Q. You say you heard some of these colored people say during the day that they came from North Carolina and Jacksonville and elsewhere?—A. Yes, sir.

Q. Did they say Jacksonville or Jacksonboro'?—A. I heard one say he came from Jacksonville.

Q. Where is Jacksonville?—A. In the State of Florida. Jacksonboro' is in Colleton County; it was not Jacksonboro', it was Jacksonville.

Q. Were the tissue tickets on the tables at the polls?—A. I told you I never bothered with any tickets.

Q. You saw the tissue tickets about the poll?—A. I saw one Mr. Moorer have it, he showed it to me; to the best of my knowledge he voted it.

Q. Did you attempt to examine or see how the votes were put in the box that day, whether they were thick or thin?—A. No, sir.

Q. Could you see the colored people put their votes in, or after they were sworn they put them so as you could not see, so as it could just get into the hole?

(Objected to by contestant as not in reply.)

A. Some I could see and some I could not.

Q. If you said in your examination-in-chief that Lyons kept a poll-list, you meant by that he kept the tally?—A. Yes, sir; he kept the tally; he did not keep any poll-list.

Deposition of J. C. R. Taylor.

CHARLESTON, S. C., October 4th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor,
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

J. C. R. TAYLOR (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. Forty-four years of age; residence, Charleston; occupation, printer.

Q. How long have you lived in Charleston; all your life?—A. I have been away from here about 9 years.

Q. Born here?—A. Yes, sir. I was four years in Virginia during the war; the rest of the time in Georgia.

Q. Did you take any part in the election of 1878?—A. I was chairman of the board of managers at the Washington engine-house, ward 6.

Q. Who were the other two managers that were with you?—A. C. R. Rivers and S. P. Bennett.

Q. Did you have a clerk?—A. I had one.

Q. What was his name?—A. Henry Conklin.

Q. Who was the Democratic supervisor there?—A. R. M. Alexander.

Q. Who was the Republican supervisor?—A. Walter Elfe.

Q. What time did you open the poll?—A. At six o'clock.

Q. Was the box exposed?—A. Yes, sir. I opened it and handed it outside so as all could see it, and closed it and locked it up.

Q. Was there a large congregation of persons around the poll in the morning?—A. When I opened the poll, I suppose there must have been about one hundred, but during the day they became very much larger; there was a crowd from the engine-house to King street.

Q. Principally colored people?—A. Yes, sir.

Q. Chiefly colored people that were around there all day?—A. Yes, sir; there were a great many strangers among them that I had not seen before.

Q. Were all qualified persons allowed to vote there?—A. They were.

Q. Were any voters challenged?—A. There were several of them challenged.

Q. For what cause were they challenged?—A. Non-residents of the city and disreputable characters.

Q. Non-residents of the city or county?—A. Of the city; some of the challengers sung out they did not live in the county anyhow; some gentlemen up there were willing to prove they did not live in the county.

Q. Was the election conducted fairly and squarely up to the closing of the poll at six o'clock?—A. Yes, sir.

Q. When the poll closed at 6 o'clock was it dark?—A. Not quite.

Q. Very near dark?—A. Yes, sir.

Q. Is it not dim twilight on the 7th of November?—A. Yes, sir; so much so we had to have lights.

Q. At the close of the poll what did you do?—A. We moved the table back under the gas light, so as to see.

Q. Were there a great crowd of persons outside?—A. A great many.

Q. Were there a great crowd of colored persons outside?—A. I did not notice.

Q. Was anybody allowed inside when the ballots were being counted?—A. There were the supervisors, the deputy marshals, and two policemen; one was by me and one by Mr. Bennett.

Q. Where was Mr. Elfe stationed?—A. He was sitting right beside of the clerk, Mr. Conklin.

Q. Was he keeping his poll-list?—A. He was.

Q. Where was he sitting when you took the box back?—A. He was standing up right beside Mr. Bennett, right alongside of the box, looking into it while Mr. Bennett took the vote out.

Q. Were there any other persons in there besides those you mentioned?—A. There were; but they were members of the fire-engine company. They were on the other side of the engine; they could see us count the votes, but they could not pass the line.

Q. Do you know how many names were on the poll-list?—A. I don't recollect.

Q. Did you count the votes in the box to see if they corresponded with the poll-list?—A. Yes, sir, and they tallied.

Q. What occurred then?—A. We took the votes out and commenced to separate them, when the lights went out. I then took a match out of my pocket and lit the gas; we then commenced to count the votes again, when the lights went out again, and Mr. Bennett said, "Elfe, light the gas," and he did; we then commenced to count your votes and Mr. Mackey's, and had got ten piles of ten, when the light went out again.

Q. Who was nearest to the gas-stopper?—A. Mr. Elfe; he was standing up.

Q. Were you in a position to reach the stopper from where you were?—A. No, sir; I could not.

Q. Or Mr. Bennett either?—A. He could have if he stood up.

Q. Was the gas turned off?—A. It may have been.

Q. What transpired then?—A. I was standing there receiving the votes from Mr. Bennett, and had my back against the rail they had there when the gas out. This man Robinson was behind me. He remarked to me, "That is the best way to count them, in tens." We were then taking out Mr. Mackey's votes. As the light went out I was struck on my head. I don't know whether it was intended for me or for the man behind me, but when I felt it I thought I would find out about it, and I pulled out my pistol, intending to shoot, but it missed fire. Some one said don't shoot, and I recognized Mr. Alexander's voice. I struck a light, and saw no one but Mr. Alexander and Robinson in the room and the German that had brought some supper for us. After

I struck the light Mr. Smith came in and asked what was the matter. I told him that my box had been taken away. My clerk, who kept the poll-list, found it, all inked up. Some one had upset the inkstand over it.

Q. Examine that plat or diagram (handing witness plat)?—A. I have seen it before.

Q. Who was it prepared by?—A. I done it myself.

Q. What is that?—A. It is supposed to be a diagram, to the best of my knowledge, of the position of the managers of election, supervisors, and deputy marshals on the night of the counting of the votes; the two tables marked A were nearer the door during the voting.

Q. When were they removed?—A. They were removed to the positions as they appear on the plat when we were going to count the votes.

Q. Are you an engineer?—A. No, sir; I am a manipulator of the English alphabet.

Q. Have you examined the building since the election?—A. Two or three times. I was there all of last Monday and Tuesday.

Q. Did you, in drawing this plat, go to the building and draw it to the best of your ability?—A. Yes, sir; I did.

Q. And you know it to be substantially correct?—A. Yes, sir; I would swear to it.

Q. "V 2" is the small door usually opened?—A. Yes, sir; by members of the company, for convenience. That is the door nearest King street.

(Plat of engine-house was here put in evidence. See next page.)

Q. According to the best of your judgment, was there a Democratic or Republican majority in that box?—A. I cannot say, but I think there were as many Democratic votes as Republican votes; perhaps more Democratic votes.

Q. With the probability of a Democratic majority, please explain what object, if any, the Democrats could have in breaking up that box?—A. I cannot say that they had any object at all.

Q. Did you hear of any Republicans at all being injured in that fracas?—A. The night the box was taken I did not.

Q. The only injury, to your knowledge, was to Democrats?—A. I believe I was the only one got hurt.

Q. A Democratic manager was hurt?—A. Yes, sir.

Q. But the Republican supervisor was not hurt?—A. No, sir. I never saw him for about a week afterwards.

Q. He disappeared?—A. Yes, sir; when I had the lights lit again I only saw Mr. Alexander, the German, myself, and this colored man, this constable.

Q. When the box was taken, and after the light was lit, the Republican supervisor was gone?—A. Yes, sir.

Q. And the deputy marshals?—A. There was only one there, this colored man Robinson.

Q. In the disappearance of the box the Republican officials disappeared also?

(Objected to by contestant as leading.)

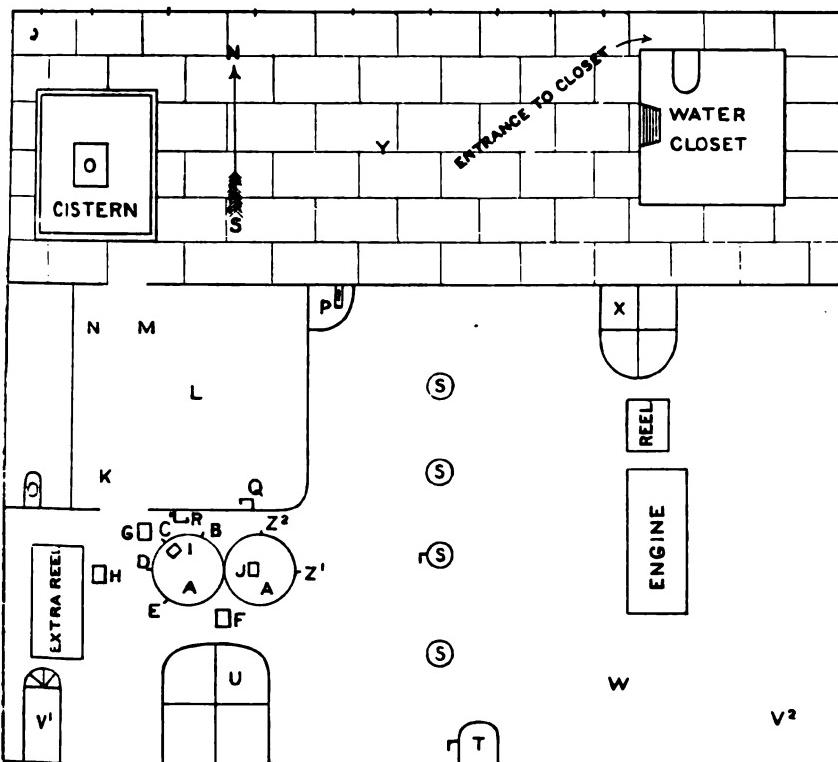
A. Yes, sir.

Q. He did not return to the engine-house?—A. No, sir.

Q. And they did not bring back the ballot-box?—A. No, sir.

Q. And you did not see the supervisor for fully a week afterwards?—

A. No, sir.



INTERIOR VIEW OF WASHINGTON ENGINE-HOUSE, VANDERHORST STREET.

- A.—Tables on which the votes were counted and recorded.
 B.—Elfe, the Republican supervisor.
 C.—Mr. Bennett, one of the managers, taking the ballots out of ballot-box.
 D.—Mr. Taylor, manager, receiving the ballots and placing them in packages of 10 each.
 E.—Mr. Rivers, manager, assisting in the count of ballots.
 F.—R. M. Alexander, Democratic supervisor.
 G.—Republican U. S. marshal (col.).
 H.—Republican U. S. marshal (col.).
 I.—The ballot-box.
 J.—A small cigar box, holding 2 or 3 candles.
 K.—Entrance to small ante-room, fitted up for the benefit of members of company.
 L.—Interior view of ante-room.
 M.—Door leading from ante-room to yard.
 N.—Window (glass) in door of the ante-room.
- O.—Door leading to stairway to hall above.
 P.—Force-pump in house.
 Q.—Gas-burner in ante-room, which was lit.
 R.—Gas-burner over tables where the votes were being counted, and immediately over the head of Supervisor Elfe.
 S.—Pillars supporting floor of upper hall.
 T.—Gas-meter, with burner lit.
 U.—Large door, opening on the street, where the votes were received during the day.
 V1.—A small door, that was locked and not opened during the day.
 V2.—Small, usually kept open.
 W.—Large door, used for engine going and returning from fires.
 X.—Large door, opening on yard from engine-house.
 Y.—Yard.
 Z 1.—Clerk at table keeping tally.
 Z 2.—Assistant clerk.

Q. He filed no complaint or protest with you on account of the box being taken off that night?—A. No, sir.

Q. Were there any candles on the managers' table?—A. No, sir; they were on the clerk's table.

Q. You say Elfe was standing under the gas-jet?—A. Immediately under it.

Q. Who did you say asked Elfe to light the gas?—A. Mr. Bennett asked him once, and I asked him once.

Q. Was there any window in the hall in which the managers were?—A. There is no window in the hall at all, except in this ante-room, where there is a window and door.

Q. You have been more or less conversant with politics for many years?—A. For about fifteen or twenty years.

Q. You have been residing in South Carolina for many years?—A. Yes, sir.

Q. State whether the Republicans have or have not the reputation of putting up political jobs in this State, such as pretended Democratic murders, intimidations, and the like.

(Objected to by contestant as leading.)

A. I do believe they have, to the best of my knowledge.

Q. Have you any reason to believe that the taking away of this box was a Republican job of like character?—A. Yes, sir; I think so. Freeman was up there a part of the day in the afternoon, and had a little conversation with Elfe; what it was I don't know.

Q. What is Freeman's character?—A. Notorious.

Q. And you say that this notorious, half-breed lawyer and Republican official and political witness, named John M. Freeman, was closeted with Elfe during the afternoon prior to the robbery of this box?—A. He was from five to ten minutes.

Q. Is Elfe a half-breed or a white man?—A. He is not a white man; he may have a white father, but his mother is not white.

Q. Is Freeman the same man as the J. M. Freeman who has taken such an active part as the prosecuting witness in the case against the ward 3 managers, which was to have been tried in the last political assize?

(Question objected to by contestant, as there is no proof of the assertion made in the question.)

A. The same man.

Q. He is the same John M. Freeman so well known in this community for his testimony before the Teller committee?—A. Yes, sir; when he came up there that night he had his head tied up, but I remembered the circumstances, that they had a row down town, and that Freeman was beaten, and when he came in I said, "Hello, there is Freeman, and he is not so badly beaten"; and when he came in he called Elfe and had a few words with him, and went off.

Q. Did I understand you that, according to your judgment, Mr. O'Connor was the loser by the robbery of this box?—A. Yes, sir.

Q. Now, you say the taking of this box was a Republican job; what would be the motive of the Republicans in taking it?—A. I suppose there were too many Democratic votes in the box, and so they could not be reported they put up the job, and stole the box so they could not be counted.

Q. Do I understand you to say that as soon as the box was taken the gas was relit?—A. A few minutes afterwards I lit the gas myself.

Q. Was there any crowd in the engine-house at the time?—A. No, sir; but there was a great crowd on the outside.

Q. Was Elfe in any danger if he had remained?—A. I did not see any.

Q. Would he have been in any danger from the Democrats?—A. None at all.

Q. You say you were knocked in the head?—A. Yes, sir; when I was struck I was standing by the reel, and when I fell the wheel of the reel struck me on the side of the head.

Q. Struck you on the temple?—A. Yes, sir.

Q. No Republican was hit?—A. A colored man was behind me; but he was not struck.

Q. This Republican was close behind you?—A. Yes, sir.

Q. Close enough to hit you?—A. Yes, sir; easy enough.

Q. Was he close enough to you to have bent forward and struck you?—A. Certainly he was.

Q. And you are positive there was no return of the supervisor or marshals to the engine-house, and that no complaint or protest was lodged with you that night by them?—A. None at all.

Q. Do you know whether there were Democrats or Republicans standing by the gas jet?—A. No, sir; I don't.

Q. You can only speak of your own knowledge of the gas-jet R?—A. Yes, sir; the members of the company were standing on the east side of the engine-house.

Q. You don't know who was standing by the gas-jet burning, or T?—A. No one at all; by the gas-jet T two policemen were standing; they were the nearest to the door.

Q. But you are positive, as I understand you, that Elfe was by the gas-jet R?—A. Immediately under it.

Q. Could anybody have put that gas-jet R out without Elfe knowing it?—A. I don't think so.

Q. At G, I understand from your diagram, the Republican United States marshal was also standing?—A. Yes, sir; leaning on the door.

Q. Were they close to the gas-jet R?—A. Within an arm's length.

Q. The supervisor at R, and the deputy marshal at G, had, in fact, control of the jet R?—A. Yes, sir; they were both within arm's length of it; Elfe was right under it.

(Question objected to by contestant as leading.)

Q. Were all the United States marshals Republicans?—A. There were only two in the room, and both were Republicans.

Q. Did the Democrats have any United States marshals to protect them?—A. No, sir.

Q. Did Mr. Wallace, the United States marshal, visit your poll during that day?—A. He did once.

Q. Was there much repeating at your poll?—A. A great deal of it.

Q. Did you speak to him about it?—A. No, sir. I think before the repeating commenced he came there. I did not know him until I was told it was him.

Q. Did he make any effort to stop this repeating?—A. Mr. Rivers spoke to him about it.

Q. Did you see any effort made by the United States marshal to stop this repeating?—A. No, sir.

Q. According to your judgment was this repeating in Mr. O'Connor's interest or Mr. Mackey's interest?—A. Mr. Mackey's.

Q. Is your judgment based on past experience?—A. Yes, sir; from past experience.

Q. Do you mean that repeating has been done by the Republicans heretofore?—A. Yes, sir.

Q. Does the black faces and countenances of the negroes enable them to repeat more or less successfully than the whites?—A. I think the negroes would do it more successfully.

Q. Why so?—A. Because they can change their clothes, and speak differently from us. I can recognize a white man quicker than a negro.

Q. Is it an easy thing for the managers to detect a negro repeater, unless he is very familiar with his face?—A. Yes, sir.

Q. Were there many country negroes at your poll?—A. All of them, with the exception of one or two.

Q. Was your poll nearer to the country landings than the other polls?—A. No, sir.

Q. Was it more convenient for the negroes to go to your poll than go to the other polls?—A. No, sir.

Q. What was the probable object of the country negroes coming to your poll, after passing other polls?—A. I put that question to some of them, and they said they had been to other polls, and they would not let them vote.

Q. On what ground had they been refused the right to vote; because they were repeaters?—A. I don't know about that; they did not look like they were.

Q. Did the managers believe they were not entitled to vote, for any lawful reasons?—A. The time I was receiving their votes, some of these negroes I objected to their voting because they could not give a direct answer to the questions I put to them. There was a man came there to vote and he could not tell his name; a great many could not do that; and they would not answer me directly.

Q. Did you allow a great many of the country negroes to vote there?—A. If they answered my questions correctly then I allowed them to vote. In the morning, when we first started, I put the oath to three at a time, but I found the clerk could not keep the poll-list and I stopped it.

Q. Then you questioned them as to their qualification to vote?—A. Yes, sir; whenever these parish negroes would come in I would put them on their oath, and if they would say they were under twenty-one years of age, they were then told to go away, they could not vote.

Q. Did you reject men that were entitled to vote?—A. Not if they answered the questions I put to them correctly.

Q. Were you cautioned against repeating?—A. Yes, sir.

Q. Your object was to detect repeaters?—A. That was my object.

Q. And you say, in many instances they failed in giving you straight answers?—A. They could not answer me at all.

Q. Did a great many of the country negroes vote at your poll?—A. A great many of them.

Q. Then you did allow a great many country negroes to vote at your poll?—A. Yes, sir.

Q. Then the objection was not on account of their being country negroes?—A. No, sir.

Q. Did you send away very many during the day?—A. Only those that I was in doubt about.

Q. Was the number very great?—A. About 40 or 50. I suppose that was the number rejected by the three managers.

Q. Of that 40 or 50 how many were rejected for non-age?—A. More than half of them.

Q. Have you any knowledge, either general reputation or special, of the character of the Kuklux or Ellenton trials, and other trials, as to whether they were conducted fairly or otherwise?—A. Only what I read in the papers.

Q. What was the belief of the people in this State, that those trials were conducted fairly or to the contrary?—A. I believe the whole thing was a fraud; if it had been conducted fairly and squarely they would have found out where the wrong was.

Q. State whether the people did or did not fear a political trial in the United States court?—A. I don't think they did; that is, if it is conducted fairly and squarely; but to be brought into the United States court by the Republicans entirely, they would not get any justice; if I was brought up by them, I would expect to go to jail.

Q. You mean the people did not fear a fair trial?—A. No, sir.

Q. But they fear a trial by Republican officials and Republican juries?—A. Yes, sir; for you get no justice at all.

Q. Do you know the politics of Mr. Northrop, the United States attorney, Mr. Mackey, or Mr. Wallace?—A. I believe they are Republicans.

Q. Mr. Mackey is assistant district attorney?—A. I believe so.

Q. Prosecuting officer of the government in these political trials?—A. I believe he is.

Q. Do I understand you to say that you would expect no justice in a trial before the United States court with a Republican jury and Republican officers?—A. I would not expect it at all.

Q. Why not; are you a Republican?—A. No, sir, I am not; because if they knew my sentiments they would try their best to convict me; that is, the juries they have here in Charleston.

Q. Has the rottenness of the political trials in South Carolina been a thing of to-day, or has it not been standing since the close of the war?—A. Ever since the close of the war, I believe.

Q. Is it not a stench in the nostrils of the people?—A. It is, indeed.

Q. You say you have had long experience in politics?—A. Yes, sir; from a young man.

Q. Have you ever voted any negro Republicans on the Democratic side?—A. No, sir.

Q. Never succeeded?—A. I never would ask one.

Q. You never have personally?—A. No, sir.

Cross examination by E. W. M. MACKEY, contestant:

Q. For whom did you vote for Congress?—A. For Hon. M. P. O'Connor.

Q. Are you a Democrat?—A. Have been ever since I have been voting.

Q. The other two managers were Democrats?—A. Yes, sir.

Q. Your clerk also?—A. I don't think he was; I think he was a Republican; but he was an old friend of mine, and he was out of work, and I thought I would give him a job.

Q. Do you know what ticket he voted?—A. I do not.

Q. On that particular day, what party was he acting in the interest of; the Democratic or Republican?—A. In the interest of the Democrats.

Q. Are you acquainted with many of the members of the Washington Fire-Engine Company?—A. I believe I know the whole of them.

Q. To what political party do they belong?—A. I don't know, sir.

Q. Are they not the most of them Democrats?—A. I think they are.

Q. Do you know any of them that were in the ball that night?—A. I think I remember one; but I was not paying any attention to them.

Q. About how many were there?—A. About five; but I locked the door so that no more could not come in.

Q. Are not those two policemen under the present administration, which is Democratic?—A. They are now on the force.

Q. Is not the city administration Democratic?—A. Yes, sir.

Q. Do you know the names of those two policemen?—A. One was named Golding—an old man; I don't know the other man's name.

Q. Were they both white men?—A. Yes, sir.

Q. Were not both Democrats?—A. I could not say.

Q. They were acting together under a Democratic administration?—A. Yes, sir; I brought them in there myself; I told them to stand there, and if any one came in that door to keep them back, and preserve order.

Q. When the hour of six o'clock arrived, the time for closing the poll, was not the large door at which the box had been stationed all day closed?—A. No, sir; there was a bar put across it.

Q. Was that door left wide open?—A. Wide open, with the policemen outside with a tremendous crowd.

Q. Are you positive about that door being open?—A. I am pretty positive; it was open, with the bar across it.

Q. Besides the two policemen who were inside, the three managers, their clerk, the two supervisors, the two deputy marshals, and these members of the Washington Fire-Engine Company, were any outsiders allowed inside?—A. Yes, sir; there was another man in there.

Q. Who was there?—A. You will see him designated on the plat.

Q. Who was he?—A. Mr. Pannale.

Q. Was Mr. Pannale a Republican or Democrat?—A. A Democrat.

Q. Through the other small door of the engine-house, could any man pass out and in by that door without the permission or knowledge of the managers?—A. They could have done it without the knowledge of the managers; but a policeman was stationed there, and would have stopped them.

Q. How many gas jets were lit just previous to their going out?—A. I think there were three. There was one over the meter; one in this ante-room, and one over the table.

Q. Did they all go out at once?—A. They all went out simultaneous.

Q. In lighting them did they have to turn the stopper?—A. They lit very readily when you put the match to them.

Q. Did you hear anybody say, "What is the matter with that meter; it wants more water in it"?—A. I do; I think I made the remark, "Perhaps the meter wants some water in it."

Q. At the time the gas-light first went out, what was Elfe doing?—A. I think when it first went out, he was tallying the number of votes in the box with the number of votes on the poll-list.

Q. Could he possibly put out that gas-light without your seeing him?—A. He could have done it without my seeing him; but he would have to stretch his hand to do it.

Q. Could he have done it without attracting the attention of some one in that hall?—A. He might have done so.

Q. Did you see him put that light out?—A. I did not.

Q. Do you mean to insinuate that he put that light out?—A. He may have done it just as easily as any one else; he was the nearest to it.

Q. About what o'clock was it when the light first went out?—A. About half past eight.

Q. About two hours and a half after the closing of the poll?—A. Yes, sir.

Q. When the light went out the second time, what was Elfe doing?—I think he was standing up looking at Mr. Bennett taking out the votes and separating them out; all the cut votes were handed to Mr. Rivers, and the straight votes to me.

Q. Did either you or any of the other managers charge Elfe with

putting out the light?—A. I suspected him afterwards. I made the remark to Robinson, "What has become of Elfe?" He said he did not know.

Q. What made you speak to him?—A. To ask for Elfe. I never liked the man, because before the poll opened we had had some remarks.

Q. Did you allow Elfe to have a clerk?—A. The board decided that the managers alone should have a clerk, and I told him if he persisted in having a clerk I would have to put him out, if I had to kick him out, and he kept the list himself.

Q. Who was the person he had there as a clerk?—A. I don't know who he is, but I saw him loafing around there all the time.

Q. After your refusal to allow him to have a clerk, what became of this man?—A. I put him outside.

Q. You would not allow him to remain in?—A. No, sir.

Q. What made you think that Elfe had no right to have a clerk?—A. It is not customary, and I had instructions not to allow them to have a clerk.

Q. Did you not have such instructions from the Democratic executive committee?—A. I think it came through them, and I know it is not customary.

Q. When you were struck, how far was Robinson behind you—the Republican deputy marshal?—A. He was touching me.

Q. Did he have a stick in his hand?—A. I think he had a small club in his hand, about eighteen inches long.

Q. When the light was relit was Robinson still there?—A. No, sir; when the light was lit Robinson was in this little ante room. I think he was trying to get out of the window, but did not know how. Putting my hand up, I felt some blood. He said, "What is the matter?" I said I was bit. He said, "It was you snapped that pistol." I said it was. He said, "It hurts you!" I said, "Indeed it does."

Q. As I understand you, the only persons you found in the engine-house after the light was relit the last time was Robinson and Mr. Alexander?—A. Yes, sir; and my clerk, Conklin.

Q. Did you charge Robinson then with having struck the blow?—A. No, sir.

Q. Have you any reason to believe he struck you that blow?—A. He may have done it, but I don't believe he did, though it may have been done for a political purpose. This other deputy marshal I did not know anything about. Two or three times that day he had made himself obnoxious.

Q. Did he have anything in his hand?—A. He did.

Q. Was he standing behind you?—A. He was standing a little to the left of me—a little to the front.

Q. Have you any reasons to suspect he struck you?—A. He may have done it as well as Robinson.

Q. Did you ever attempt to have them arrested?—A. I did not; I have not seen him since.

Q. Don't you know his name was Norris?—A. I don't know. It was at Elfe's request that I allowed him to come in, and he took out this man, and I told Robinson to come in.

Q. How often did the lights go out?—A. Three times.

Q. Each time they went out did all go out together?—A. They all went out together. There was not sufficient light in the room, so I had a cigar-box with candles in it, and I lit them. The second time the lights went out and candles also. When the lights went out Elfe he took one

and reached up to light it and my clerk the other, but when the lights went out the last time there was no candles there.

Q. How often was Elfe asked to relight the gas?—A. I asked him once and, I think, Mr. Bennett once.

Q. Did any one charge him with having put the lights out?—A. No, sir.

Q. Did any one suggest that he had put them out?—A. Yes, sir.

Q. That Elfe had put them out?—A. Yes, sir.

Q. Who lit the lights after they were put out the last time?—A. I did myself.

Q. Did you have to turn the stoppers?—A. I lit the one in the ante-room first; then I came out and lit the other one.

Q. The light to which you turned the stopper had not been lit before?—A. It had been lit before, but I shut it off.

Q. At the time the gas went out the gas in the ante-room was not burning?—A. No, sir; I ordered it shut off.

Q. What time was Freeman there?—A. Between four and five o'clock in the afternoon.

Q. Before or after the closing of the polls?—A. Before the closing.

Q. At the time Freeman was there were any of the commissioners of election there?—A. No, sir; I don't think there were.

Q. How long did he remain there?—A. Five or ten minutes; I did not pay much attention to him.

Q. This conversation he had with Elfe occurred before the poll closed?—A. Yes, sir.

Q. May it not have been after the closing of the poll that Freeman was there?—A. I don't think it was. He may have come there afterwards, and I not seen him.

Q. Could not Mr. Bennett have reached the gas just as Elfe?—A. He could if he stood up; but he was sitting down most of the time, and Elfe was standing up most of the time.

Q. Was not Mr. Rivers, one of the managers, standing directly opposite Elfe?—A. Yes, sir; but he was sitting down.

Q. At the time the lights were put out had not the managers counted more votes for Mr. Mackey than Mr. O'Connor?—A. We were taking out the Mackey votes at the time, we were not bothering the O'Connor votes at all.

Q. In counting the votes in order to ascertain the whole number in the box, did you open them so as to see what kind of tickets were in the box?—A. Yes, sir; we opened them, and read them out.

Q. Were any Democratic tissue tickets in that box?—A. A few.

Q. How many?—A. About two or three dozen, and I flung out a package with about ten in it. I held it up and said, "What are you going to do with them?" Elfe said, "I object to them." I said, "Throw it out."

Q. Of the people who voted at that poll during the day which were in the majority, the whites or colored?—A. The colored were.

Q. Very much in the majority?—A. No, sir.

Q. Then in your opinion the color of the voters who voted at your poll were about equally divided?—A. No, sir.

Q. What was the proportion of colored to white voters at that poll?—A. Two to one.

Q. That is the proportion, as I understand, in which they voted; about two colored to one white?—A. Yes, sir.

Q. You said several voters were challenged because of non-residence of the city; by whom were they challenged?—A. They were challenged

by parties outside; some were challenged by colored men, and some by white men.

Q. When they were challenged what did the managers do?—A. Some of them refused to vote, and said they were going to make the parties prove what they said; they had been accused of voting already. I offered to allow the parties to vote under protest; but they said no.

Q. Was non-residence a good cause of challenge?—A. I thought so; because they would pass other polls to come to my poll and vote.

Q. Did you at first sustain challenges on that ground?—A. No, sir; I allowed some to vote that Mr. Rivers knew.

Q. Suppose he was not able to certify for them, what did you do?—A. If there was anybody around there that would certify for him, I would allow him to vote.

Q. As I understand, wherever one of these voters from the country could find somebody who recognized or knew them, you allowed them to vote?—A. Yes, sir.

Q. Where they could not do that, their votes were rejected?—A. Not in every instance.

Q. Was it not so in most instances?—A. It was in most.

Q. What were the questions you usually asked the voters?—A. In the first place, if I was any way doubtful about their age, I would make them swear to that; in some instances the men outside would say he is a liar; I would then say, you will have to bring some one who knows that you are of age.

Q. Did you ask the parties outside if they could prove it?—A. Yes sir; and they would say they could, and the voter would go off.

Q. What were some of the other questions usually propounded to the voters?—A. I don't exactly recollect now.

Q. You required, however, of every person who offered to vote to prove his right to do so before you would allow him to do so?—A. Yes, sir.

Q. And wherever you were not fully satisfied he had a right to vote, his vote was rejected?—A. Yes, sir.

Q. Are you very well acquainted with the colored people over in St. Andrew's Parish?—A. No, sir.

Q. How do you know that these colored people came from there?—A. I asked them and they told me so.

Q. How do you know that the colored people that were principally around the poll came from the country?—A. I could see that from their talk and appearance.

Q. Do you mean to say that there were very few colored people from the city at that poll?—A. No, sir; there were a great many there.

Q. These colored people from the country, did they not appear to be acting in the interest of the Republican party?—A. They did.

Q. Whenever they were allowed to vote did they not generally vote the Republican ticket?—A. They did not; not all of them; I remember two myself that were strange negroes who voted the Democratic ticket.

Q. All of them?—A. Some of them. A great many of them I could see with check-back tickets coming in.

Q. Did you not find any check-back tickets in your box with the Republican ticket pasted on the top of it?—A. Some of them.

Q. So that a man could put in a check-back ticket and in that way deceive a person?—A. He might have done it. I don't suppose there were many of them; not more than five I suppose.

Q. But you were surprised to see so many of these country people voting the Democratic ticket?—A. I was.

Q. Of the people around that poll throughout that day and at its close, were they mostly Republicans or Democrats?—A. I cannot answer that question, for the strangers I could not swear to.

Q. But judging from what you saw could not you tell?—A. I judged all of those strange negroes as Republicans; but I was astonished when I saw some of them voting the Democratic ticket.

Q. How long has Freeman's character been so bad as you say?—A. I think he learned all the rascality he has in the legislature.

Q. When he went there with the Democrats from this city?—A. No, sir; he did not go there with the Democrats from this city.

Q. Don't you know that he went to the legislature from this county on the combination ticket with five Democrats and six Republicans on it?—A. He never got my vote. I never voted for a negro in my life. I don't consider them equal with the white man in any shape or form.

Q. Don't you know, however, that Freeman was elected to the legislature on such a ticket?—A. I don't recollect; he may have been.

Q. Do you know Freeman personally?—A. I do.

Q. You ever had any transactions with him?—A. No, sir.

Q. Is not your prejudice against him principally due to the occurrence at the last election?—A. No, sir.

Q. From what does it arise?—A. His connection with the Republican party.

Q. You say there was a great deal of repeating at that poll?—A. Yes, sir; a great deal.

Q. Do you mean by that that men voted twice?—A. They may have voted two or three times; they could go off and change their clothes, and I could not recognize their features.

Q. Did you know it at the time?—A. No, sir; afterwards I would hear them laughing and say you did that nicely.

Q. Did you have any negro arrested that day?—A. No, sir; I did not.

Q. Do you know of any negro being arrested for repeating at that poll?—A. No, sir.

Q. Why is it that a negro can repeat better than a white man?—A. Because you cannot recognize them as easily.

Q. Have you not heard, before the war, that it was a very common thing in elections in the city of Charleston for sailors to change their clothes, and to repeat from poll to poll?—A. No, sir; six years preceding the war I was living in Georgia.

Q. Did you not participate in elections in Charleston before the war?—A. Yes, sir.

Q. Did you ever hear in those elections, or not, one party charge the other with repeating?—A. I never took much interest in them then.

Q. Did you never hear that in those elections Elliott street was a den for repeaters?—A. No, sir.

Q. Did you never hear citizens of Charleston say that more people could be voted out of Elliott street than out of any other street in the city?—A. I may have heard the remark; I think I have.

Q. I mean as applied to elections before the war?—A. I don't recollect about before the war; I took very little interest in elections before the war.

Q. Those colored men who said they had been at other polls, and had not been allowed to vote, were they allowed to vote at your poll?—A.

Some were, when they gave me a good reason ; some of them were very insolent, and said, " If you don't allow me to vote, you can go to hell."

Q. How far is the Washington engine-house, where the poll was held, from King street ?—A. About sixty yards.

Q. You say the Washington engine-house is not as near to the place at which these people landed as the other places ?—A. No, sir.

Q. Are there many other polls more convenient to the landing than the Washington engine-house ?—A. The engine-house in Spring street is at least a half mile nearer.

In reply by M. P. O'CONNOR, contestee :

Q. The Democratic supervisor at your poll had no clerk !—A. No, sir.

Q. If he had attempted to bring one in his service, you would have objected to him ?—A. Yes, sir.

Q. Just the same as you did the Republican supervisor !—A. Just the same.

Q. Is there not another poll in that ward, the Marion engine-house ?—A. Yes, sir ; the ward being large, it was divided in two.

Q. You never refused any vote on that day unless you had satisfied yourself that the party under examination was not entitled to vote or qualified to vote ?

(Objected to by contestant as leading.)

A. No, sir.

Q. The administration of affairs in this State by the Republican party, since it went into power in 1868 down to 1876, was it or was it not an administration of plunder and destruction to all the interests of the State ?

(Objected to by the contestant as not in reply.)

A. It was.

Q. Therefore, in your condemnation, in the question addressed to you by the cross-examiner, in your sweeping condemnation, your prejudice arose from the conduct of that party while it held sway in the State ?

(Objected to by contestant as leading.)

A. Yes, sir.

Q. Has not the name of the carpet-bag Republican in this State been identified with a corrupt rule in the affairs of our government ?—A. Yes, sir.

Q. And has not the Republican party in this county for many years, and in this State, been led by that class called Republican carpet-baggers ?—A. Yes, sir.

Q. You say you saw tissue tickets around the poll that day, saw them the hands of parties ?—A. Yes, sir.

Q. You say that there was a bundle of tissue tickets found in the box, which you threw out ?—A. Yes, sir.

Q. You did not examine them !—A. No, sir.

Q. There were some half dozen or more together ?—A. Yes, sir ; a bundle about as thick as my thumb ; they were rolled very tightly together.

Deposition of Edward Perry.

CHARLESTON, So. Ca., October 7th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

EDWARD PERRY (white), a witness of lawful age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am 45 years of age; residence, Charleston, So. Ca.; occupation, printer and stationer; place of business, No. 149 Meeting street.

Q. Did you print the Republican tickets that were used in the city and county of Charleston, or a portion of them?—A. I did.

Q. About how many of them?—A. About 57,000 Republican tickets.

Q. What varieties of the Republican tickets did you print, and on what kind of paper did you print them?—A. 45,000 on newspaper, 5,000 long size on tissue paper, 1,000 on thick paper, 5,000 small on tissue paper, and 1,000 additional regular in black ink.

Q. What varieties were they as to form and appearance?—A. There were some printed in black ink and some printed in red ink on white paper.

(Tissue ticket submitted to witness.)

Q. Is this ticket a specimen of the small Republican tissue tickets that you printed?—A. I cannot recognize it, as I never saw it before; I never seen it in the office.

Q. You did not examine the tickets; you merely extended the orders to your foreman?—A. Yes, sir.

Q. Were not the size of the tissue tickets smaller than those called regular tickets?—A. As far as I can recollect, they were.

Q. Have you any specimens of them?—A. None of them.

Q. Were you requested to destroy them?—A. Yes, sir; I was requested by Mr. Mackey to destroy all the tickets, and let no one see them.

Q. Is that paper on which that ticket I just exhibited to you is printed the general character of paper on which that kind of ticket is usually printed?—A. Yes, sir.

Q. That is your reason for believing that that is one of the identical tickets you printed for Mr. Mackey?—A. I cannot swear to that ticket.

Q. But it resembles those you printed?—A. Yes, sir; it does.

Q. Are the names on that ticket I just handed you the names of the regular Republican candidates?—A. They are, as far as I can recollect.

The following ticket was printed on tissue paper of the size of an ordinary ballot:

UNION REPUBLICAN TICKET.

For 46th Congress, 2nd District.
EDMUND W. M. MACKEY.

For Senator.
JAMES B. CAMPBELL.

For House of Representatives.

ANDREW SIMONDS.
C. G. MEMMINGER.
FRANCIS S. HOLMES.
EDWARD MCCRADY, JR.
JOHN H. THIELE.
STEPHEN H. HARE.
WILLIAM J. BRODIE.
JAMES A. WILLIAMS.
JOSEPH J. LESESNE.
JAMES HUTCHINSON.
NATHANIEL MORANT.
FRANK LADSON.
WILLIAM G. PINCKNEY.
RENTY K. WASHINGTON.
ANDREW SINGLETON.
WARREN N. BUNCH.
JAMES SINGLETON.

For County Commissioners.
LOUIS DUNNEMANN.
WILLIAM H. THOMPSON.
RICHARD BRYAN.

For School Commissioner.
MICHAEL M. McLAUGHLIN.

For Judge of Probate.
CHARLES W. BUTTZ.

The following ticket was printed on tissue paper of about half the length of an ordinary ballot, but somewhat wider:

UNION REPUBLICAN TICKET.

For 46th Congress, 2nd District.
EDMUND W. M. MACKEY.

For Senator.
JAMES B. CAMPBELL.

For House of Representatives.

ANDREW SIMONDS.
C. G. MEMMINGER.
FRANCIS S. HOLMES.
EDWARD McCRADY, JR.
JOHN H. THIELE.
STEPHEN H. HARE.
WILLIAM J. BRODIE.
JAMES A. WILLIAMS.
JOSEPH J. LESESNE.
JAMES HUTCHINSON.
NATHANIEL MORANT.
FRANK LADSON.
WILLIAM G. PINCKNEY.
RENTY K. WASHINGTON.
ANDREW SINGLETON.
WARREN N. BUNCH.
JAMES SINGLETON.

For County Commissioners.

LOUIS DUNNEMANN.
WILLIAM H. THOMPSON.
RICHARD BRYAN.

For School Commissioner.

MICHAEL M. McLAUGHLIN.

For Judge of Probate.

CHARLES W. BUTTZ.

The following ballot was of the ordinary size and paper:

UNION REPUBLICAN TICKET.

For 46th Congress, 2nd District.

EDMUND W. M. MACKEY.

For Senator.

JAMES B. CAMPBELL.

For House of Representatives.

ANDREW SIMONDS.
C. G. MEMMINGER.
FRANCIS S. HOLMES.
EDWARD McCRADY, JR.
JOHN H. THIELE.
STEPHEN H. HARE.
WILLIAM J. BRODIE.
JAMES A. WILLIAMS.
JOSEPH J. LESESNE.
JAMES HUTCHINSON.
NATHANIEL MORANT.
FRANK LADSON.
WILLIAM G. PINCKNEY.
RENTY K. WASHINGTON.
ANDREW SINGLETON.
WARREN N. BUNCH.
JAMES SINGLETON.

For County Commissioners.

LOUIS DUNNEMANN.
WILLIAM H. THOMPSON.
RICHARD BRYAN.

For School Commissioner.

MICHAEL M. McLAUGHLIN.

For Judge of Probate.

CHARLES W. BUTTZ.

For Solicitor, 1st Circuit.

W. J. DE TREVILLE.

The following ballot was of the ordinary size and paper, but printed
in red ink:

UNION REPUBLICAN TICKET.

For 46th Congress, 2d District.

EDMUND W. M. MACKEY.

For Senator.

JAMES B. CAMPBELL.

For House of Representatives.

ANDREW SIMONDS.
 C. G. MEMMINGER.
 FRANCIS S. HOLMES.
 EDWARD McCRADY, JR.
 JOHN H. THIELE.
 STEPHEN H. HARE.
 WILLIAM J. BRODIE.
 JAMES A. WILLIAMS.
 JOSEPH J. LESESNE.
 JAMES HUTCHINSON.
 NATHANIEL MORANT.
 FRANK LADSON.
 WILLIAM G. PINCKNEY.
 RENTY K. WASHINGTON.
 ANDREW SINGLETON.
 WARREN N. BUNCH.
 JAMES SINGLETON.

For County Commissioners.

LOUIS DUNNEMAN.
 WILLIAM H. THOMPSON.
 RICHARD BRYAN.

For School Commissioner.

MICHAEL M. MC LAUGHLIN.

For Judge of Probate.

CHARLES W. BUTTZ.

Q. When did Mr. Mackey get these tickets printed?—A. He had them printed in the month of October.

Q. State anything else that you know in connection with the printing of tickets for Mr. Mackey, bearing upon the subject upon which you are now being examined?—A. The day before the election I carried a lot of tickets down to Mr. Mackey's house and he said he would not use them.

Q. You don't know whether those tickets he said he could not use were tissue tickets or not?—A. I don't know.

Deposition of T. W. Carwile.

CHARLESTON, So. Ca., October 7th, 18-

In the matter of the contest of E. W. M. Mackey against M. P. Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
 Charleston County:

T. W. CARWILE (white), a witness of legal age produced by complaint upon due notice to contestant, deposes as follows in reference to the questions propounded by contestee:

Question. State your age, residence, and occupation?—Answer

am 34 years of age, and reside in the city of Charleston; my occupation is salesman in the drug business.

Q. Did you take any part in the election of 1878?—A. I did.

Q. Did you hold any position?—A. I was a State deputy constable.

Q. Where were you assigned for duty on the day of election?—A. Palmetto engine-house, third ward, Anson street.

Q. Were you absent from the poll during the day?—A. I was absent during the day not exceeding one hour.

Q. At different times?—A. Yes, sir.

Q. Were the polls opened at six o'clock?—A. Yes, sir.

Q. Did you see them opened?—A. Yes, sir.

Q. Did the managers expose the box?—A. They did.

Q. Was there a large congregation of people around there during the day?—A. There was.

Q. The streets were at times block'd by the crowd?—A. Yes, sir.

Q. This poll is situated on Anson street?—A. Yes, sir.

Q. Did the voters vote there in ready succession?—A. Yes, sir.

Q. The voting kept up during the whole day?—A. The entire day.

Q. Were the polls closed punctually at six o'clock in the evening?—A. They were.

Q. You did not remain for the count?—A. No, sir; I did not; I was there off and on after the polls closed; I was gone a half hour or so at a time, and left at twelve o'clock and went home; they were still counting when I left.

Q. Were you in sight of the managers during the greater part of the day—while you were there?—A. Almost the entire day.

Q. Did you notice any irregularity on their part?—A. I did not.

Q. Was the election conducted fairly and orderly?—A. It was, except when that little disturbance took place in regard to the Freeman matter—about the German's voting—and that did not last exceeding five minutes.

Q. Were you a witness to that occurrence?—A. I was.

Q. Will you state your knowledge of it?—A. Well, it appeared that this German came up there to vote, and Freeman got up and said he had voted before; the managers asked him if he had, and he said no, he had not, and he took the oath and put his ballot in the box, and as he did this Freeman threw his hand over the box and said he be damned if he should vote; the German voted and started out, when Freeman collared him, and went out and called some of the deputy marshals, and went into the street, when the crowd surrounded him, and Mr. Miller, Kelly, and some others brought him out and protected him.

Q. Were these persons, Miller and Kelly, that protected Freeman from injury, Democrats?—A. They were.

Q. They were acting, then, in the capacity of peace-makers, and trying to get Freeman out of the difficulty?—A. They were.

Q. Did the Democratic party have challengers there that day?—A. They did.

Q. Do you know if the Republicans had any?—A. I don't know; if they had they did not show themselves.

Q. Who was the Democratic challenger?—A. William G. Daggett; I saw him there.

Q. Was Mr. Daggett behind the table where the managers were, or behind this arrangement?—A. Mr. Daggett was in front of the table at one end, and the managers behind the table with the two supervisors; Young Quinn, the Democratic, and Freeman, the Republican.

Q. Did Mr. Daggett change his position during the day?—A. He did change it.

Q. Did he go off and come back?—A. Yes, sir.

Q. Did he interfere at all with the voters?—A. No, sir; without he challenged them.

Q. His challenges were always directed to the managers of election, and they decided upon his challenges?—A. Yes, sir.

Q. Were not the tissue tickets voted openly at that poll that day?—A. They were.

Q. Were they not freely distributed around that poll?—A. Yes, sir; they were there on the table, and no secret made about it. I had plenty of them myself. There was nothing done to hide; everything that was done was done open and above-board.

Q. Did the managers remain at their post all day?—A. They did; that is, the majority did; two were always there.

Q. The Republican supervisor remained at his poll all day?—A. He did, except when he went off to take a drink; he would go up into the hall.

Q. Was he pretty full that day?—A. At one time he was pretty lively.

Q. Did a great many colored people vote at that poll that day?—A. A good many.

Q. Did any of them vote the Democratic ticket?—A. Yes, sir.

Q. A good number?—A. Yes, sir.

Q. Were the Democrats very active in canvassing for voters that day?—A. Yes, sir; they were.

Q. Extremely active?—A. Yes, sir.

Q. That is a strong Democratic stronghold?—A. Very strong; it always goes Democratic.

Q. Did the colored people that voted there that day appear to you to be country people or town folks?—A. That is a hard matter for me to tell. I have lived here with them all my life and cannot designate them.

Q. Do you recollect when Freeman objected to this German's voting on the charge of previous voting, that the managers inspected their poll-list to see if he had voted?—A. I did not observe. I heard some one say, look at the list and see if his name is on it.

Q. But you did not see them inspect it?—A. No, sir.

Q. Was the count conducted fairly while you were present?—A. Yes, sir, it was; and Freeman was solicited and asked to stay to see the count.

Q. Did he remain?—A. He did not.

Q. Who were the United States deputy marshals at that poll that day?—A. A white fellow named Burus; and there was a colored man, but I don't remember his name. I was told he was formerly a member of the legislature.

Q. Was his name Green?—A. Yes, sir.

Q. Did not an unusually large number of white persons vote in that ward from other wards?—A. There was.

Q. Did you hear they had come there to vote because the other polls in the lower wards were crowded.

(Objected by contestant as leading.)

A. Yes, sir; because the lower polls were crowded with colored people, especially the city hall.

Q. Were the voters sworn there three and four at a time?

(Objected to by contestant as leading.)

A. They were at times.

Q. At times singly ; and at times three and four at a time ?—A. Yes, sir ; and when there was no objection they were sworn three and four at a time and voted.

Q. Did you see that day any other kind of Democratic tickets but the calico-back tickets and tissue tickets ?—A. Yes, sir.

Q. What kind ?—A. White-back tickets.

Q. Similar in appearance to the Republican ticket ?—A. Yes, sir.

Q. So that, from the outside appearance of the plain white-back ticket, it looked like a Republican ticket ?—A. Yes, sir.

Q. Is there any other fact that you wish to state that I have not interrogated you about ?—A. No, sir.

Q. Any other matter in regard to the campaign that is bearing upon the contest between the contestee and contestant that you desire to state ?—A. I don't think so.

Q. Was there not great enthusiasm in the Democratic party at that election ?—A. There was.

Q. Did the Republican party evince the same enthusiasm and party spirit that they had in previous elections ?—A. They did not.

Q. Do you not know that there were dissensions in the Republican party at the last election ?—A. I heard so from rumor.

Q. It was common talk ?—A. Yes, sir.

Q. Was it not a matter of common talk of there being two wings of the Republican party, one headed by Mr. Mackey and the other by Mr. Bowen ?—A. There was ; at least that was the common talk on the streets of Charleston.

Cross examination by E. W. M. MACKEY, contestant:

Q. How long have you resided in the city of Charleston ?—A. I moved here last August two years ago ; I came here on the 20th of August two years ago, in 1877.

Q. How long previous to the last election ?—A. About fourteen or fifteen months.

Q. The last general election, then, was the first general election in which you participated in the county of Charleston ?—A. It was.

Q. How do you know, then, that the Republican party did not display the same enthusiasm as it did in the previous elections ?—A. I judged more from the press of the State ; and they put out no State ticket in opposition to the Democratic ticket in the State.

Q. But as far as Charleston County is concerned, you know nothing in regard to elections in previous years ?—A. Only what I have read.

Q. How did you derive your knowledge in regard to there being two wings in the Republican party ?—A. I heard it on the streets ; it was only common rumor.

Q. Talk which is repeated ?—A. As I said, I never associated with the Republican party, and did not get it directly from any of them ; only common report on the streets.

Q. You say that the enthusiasm in the Democratic party was greater than it was in previous elections in this county ?—A. I cannot say in this county, for this was the first general election I attended in this county.

Q. Have you not heard that there was formerly also two wings in the Democratic party ?—A. I have not.

Q. Have you never heard of the Democratic party being badly split up in the municipal elections when Cunningham and Wagener were can-

dicates in 1875?—A. I was not living here then; I do not know anything about it.

Q. Have you ever heard anything about that?—A. I have seen it in the press; but know nothing of it of my own knowledge.

Q. Is there not a division in the Democratic party even now?—A. I think not; not in the Democratic party.

Q. Are there not two organizations in the city at present both claiming to be the regular organizations of the Democratic party?—A. There is two parties who claim to be Democratic who are working for the support of the community for the mayoralty of Charleston, but I claim there is only one party, that is the Democratic party.

Q. Have not the two parties gone so far as to elect two separate Democratic executive committees?—A. That has been done.

Q. Did not the party with which you are connected refuse to participate in the primaries ordered by the old executive committee because you charged that they intended to have a fraudulent primary election?—A. We refused to go into the bogus primary elections which this executive committee called; we concluded that their duty was plain; usage makes rules; the rules of the Democratic party in Charleston, in municipal campaigns, is for the ward presidents to call their wards together and elect delegates; after that duty was performed they had nothing more to do; but this executive committee took upon themselves to say who shall vote, who shall be managers, and when it shall be held; for this reason the party you say I belong to declined to have anything to do with this bogus machine.

Q. Did you not make a speech in which you advised your friends to have nothing to do with that primary election ordered by the executive committee of the Democratic party, because they would have no fair showing?—A. I don't think I used the words fair showing; but I did make a speech advising them not to have anything to do with the primary election, as I did not think they had a right to say how the Democrats shguld vote in Charleston.

Q. Have you never charged that executive committee in a speech with endeavoring to re-elect themselves by fraud?—A. I have not; not to re-elect themselves. I have charged them with being partisans of Mayor Sales, and still charge them so. I don't think they have a right to be partisans at all. You know pretty well what I have said; most of my speeches have been printed in the News & Courier, and I reiterate what was there printed.

Q. Who were the managers of election at the Palmetto engine-house?—A. Alonzo J. White, jr., J. W. Smyser, and Charles W. Seignious, jr.

Q. Who was their clerk?—A. I think it was a man named Maher; I think that was his name.

Q. Were not all the managers and the clerk Democrats?—A. I believe they were.

Q. How many State constables were at the Palmetto engine-house?—A. Only two.

Q. Both of them Democrats?—A. They were.

Q. How many deputy marshals were at that poll?—A. There was a black negro there who said he was a deputy marshal, by the name of Elliott; there were three—Elliot, Green, and Burns.

Q. Was not Burns a Democrat?—A. Oh, no; if he is, he keeps very bad company; he was reputed to be a Republican, and was so pointed out to me, and his actions there that day were anything but Democratic.

Q. From whom were Miller and the others trying to protect Free-

man?—A. You can understand when there is a crowd who they were trying to protect him from; there was a crowd of about one hundred men outside there when Freeman went out there and Miller took hold of him and told them to go away.

Q. Were they Democrats and Republicans?—A. They were; the colored skipped when the row broke out.

Q. Do you think the Republicans were about to attack Freeman?—A. That is a question I cannot answer.

Q. Who is Mr. Daggett?—A. I believe he is foreman of the News & Courier.

Q. What position did he hold on that day?—A. Chairman of the Democratic party of ward three.

Q. How long was he there during the day?—A. I could not tell exactly; he was there off and on all day; he would go and come, but I did not pay any particular attention to him to know when he would go, or how long he staid.

Q. About what time in the day did this difficulty in which Freeman was concerned occur?—A. Between two and three o'clock.

Q. Did Freeman return in the afternoon?—A. He was gone about one or one and a quarter hours.

Q. Then returned?—A. Yes, sir; and took his seat by the table.

Q. Did he remain there the balance of the afternoon?—A. He did, until the polls were closed; that is my recollection of it; the fact is, I know he was there.

Q. Where did Freeman go to get his drinks?—A. Upstairs in the hall of the Palmetto engine-house.

Q. The same building in which the poll was held?—A. Yes, sir.

Q. Were there not refreshments and liquors in that room?—A. There was dinner sent there for the managers and officers of election.

Q. Was it not furnished by the Democratic party?—A. I cannot say.

Q. Who had charge of it?—A. I could not tell you that. I don't recollect, in the first place.

Q. Were the State constables allowed access into the room where the poll was held?—A. No more than the deputy marshals; the deputy marshals were on one side of the table and we were on the other; we did nothing more than keep the place clear, and when a man got through voting we would tell him to go out.

Q. What were you doing with the tissue ballots?—A. I had them in my hand, and if a man wanted them I would give him one; not when I was standing by the barricade. I only gave them out when I was in the street.

Q. From what other wards did voters come to the Palmetto engine-house to vote?—A. From the first and second, and some men that I knew voted there from the fourth ward.

Q. How do you know these voters were from the other wards?—A. I heard them say so.

Q. Were they white or colored?—A. Mostly white.

Q. Well-known business men?—A. Yes, sir.

Q. All of them residents of the city of Charleston?—A. They were.

Q. Did the managers ask every person offering to vote there their place of residence?—A. They swore that.

Q. Besides administering to them the oath, did they inquire as to their place of residence?—A. When they had any doubts they did.

Q. Did you visit any of the other polls in the city on that day?—A. I walked to the Market Hall once in the day.

Q. Did you visit the other polls, in either one, two, or four?—A. I did not.

Q. You cannot say, therefore, whether or not those polls were crowded?—A. Only from hearsay.

Q. Was your poll crowded all day?—A. There was a large crowd there all day; the voting was done there fast all day.

Q. If your poll was so crowded why did these men come to your poll?—A. That I cannot say.

Q. Did not they come there because your poll was less crowded than the others?—A. They came there because they didn't care to go amongst the negroes, and there were more white men at our poll.

Q. Then the largest number of votes cast at your poll were by white men?—A. There were some colored votes cast also, but the majority were by white men.

Q. Were not three-fourths of the voters at your poll white men?—A. I didn't charge my memory with it at ail.

Q. How often did they swear three or four together?—A. It was frequently done; I didn't take any cognizance of the matter; I saw it done, and didn't think any more of it.

Q. Was not the general rule for them to swear the voters singly?—A. I cannot say it was; some were sworn single, some double, and some quadruple; when there was no objection by the managers or challengers they were sworn three and four at a time.

Deposition of Charles G. Simmons.

CHARLESTON, So. CA., October 8th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

CHARLES G. SIMMONS (colored), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am 42 years of age; residence, Charleston; by occupation, policeman.

Q. Did you take any part in the election of 1878?—A. No more than I was at the polls as a policeman.

Q. In what ward?—A. Ward six, Washington engine-house.

Q. Was there a large crowd of people there?—A. Yes, sir; a very large crowd.

Q. Did you see the colored people vote the Democratic ticket there?—A. I saw a great many of the people who were formerly Republicans vote the Democratic ticket.

Q. How many do you suppose that you saw vote the Democratic ticket that were formerly Republicans?—A. There were about nearly one hundred, as far as I saw.

Q. But there were a great many more that you saw that you did not know?—A. Yes, sir; but those that I saw that I knew numbered at least 100.

Q. Were you on duty at this engine-house that day?—A. I was on duty there from one o'clock in the day until seven o'clock in the night, when I was removed.

Q. Did you hear a great many black people say before the election that they were going to vote the Democratic ticket?—A. I heard many of them say they were going to vote the Democratic ticket; the people were getting tired with the wrangling in the Republican party.

Q. There was a split in the Republican party?—A. Yes, sir; between Mr. Mackey and Mr. Bowen. I was a Mackey man myself, and Mr. Mackey knows I always carried ward six for him in previous elections against Mr. Bowen; and the first time I ever voted the Democratic ticket was for M. P. O'Connor for Congress.

Q. Did you hear a great many black people in the city say that they were going to vote for M. P. O'Connor for Congress?—A. Yes, sir; I heard a great many say so; I heard them talking about it myself.

Q. There were a great many colored people from the county that did vote for him?—A. I don't know, because I did not come out until one o'clock that day; then I went up to the Washington engine-house on duty and remained there until the polls closed, and then went to ward eight.

Q. Did you hear the black people make any complaint about the Republican party as the reasons for voting the Democratic ticket?—A. They said they were tired of the wrangling between Mackey and Bowen, and it was on account of this division that they voted the Democratic ticket.

Q. Did you hear them complain about the Republican party getting all the emoluments?—A. No, sir; not the people I am associated with; they don't know anything about that; all I know is, that they said that they were tired of the wrangling between Mr. Mackey and Mr. Bowen. I have always been a power in ward six, and can go in ward six at any time and carry my people anywhere I want to.

Cross examination by E. W. M. MACKEY, contestant:

Q. When did you cease to be a Republican?—A. The first time I ever voted the Democratic ticket was for Mr. O'Connor.

Q. What are you engaged in doing now?—A. I am a policeman.

Q. How long have you been on the police force?—A. Over 8 years.

Q. Under a Republican administration?—A. Yes, sir; and Democratic too.

Q. Always managed to keep on the police—never mind what were the politics?—A. Yes, sir; I was off when Mr. Sale was elected.

Q. How long did you stay off?—A. One month.

Q. Then you were reinstated by Mayor Sale?—A. I got on by my young boss, Mr. Wm. Trenholm, and Mr. Willis.

Q. Is not Mayor Sale a Democrat?—A. Yes, sir.

Q. The present administration is Democratic?—A. Yes, sir.

Q. When the Republican administration went out you were discharged, and a month after reinstated by the present Democratic city administration?—A. Yes, sir; I got on through Mr. William Trenholm and Major Willis; and those are Democrats, you know.

Q. I wish you would give me a straight formal answer to my question.—A. I got on through Mr. William Trenholm and Major Willis.

Q. Were you not on the police force under the last Republican administration?—A. Yes, sir.

Q. Did you not remain there until after the election of the present Democratic administration?—A. Yes, sir.

Q. Were you not then immediately discharged?—A. Yes, sir.

Q. Were you not then, a month after, reinstated by the present administration?—A. Yes, sir.

Q. Since then you have been acting with the Democratic party?—A. Yes, sir.

Q. Where were you on the day of election prior to one o'clock?—A. At the guard-house.

Q. You first went out, then, at one o'clock?—A. Yes, sir.

Q. And you were on duty at the Washington engine-house from one o'clock until the close of the poll?—A. Yes, sir.

Q. Did you go to any other poll in the city during the election?—A. After the poll closed at the Washington engine-house, I was sent to the Niagara engine-house.

Q. How long did you remain there?—A. Until the poll closed; until they got through the counting of the ballots.

Q. While you were at the Washington engine house, where were you stationed; stationed near the poll by the ballot-box?—A. I was outside of the barricade and not near the ballot-box.

Q. Did you see these 100 men put their tickets in the box?—A. No, sir; but I seen the white men give them the Democratic tickets in their hands, and they fell in the line and marched up.

Q. Do you know whether they voted that ticket?—A. I saw them in the line; but I don't know whether they put them in the box or not.

Q. Is it not customary for a man to receive a ticket and vote another kind?—A. No, sir; I never seen it.

Q. Have you not seen Democratic ralliers give colored men the Democratic ticket, and yet those men go up and vote the Republican ticket?—A. No, sir; I never seen any of that.

Q. Your opinion in regard to these 100 colored men having voted the Democratic ticket is based upon the fact that you saw white men hand Democratic tickets to these colored men, who then fell into line?—A. Yes, sir.

Q. But you cannot say whether or not they put those tickets in the box?—A. No, sir; because I could not get up to the box.

Q. Did you electioneer on the day of election?—A. No, sir; no policeman could interfere with the election. If I had been electioneering that day I would have kicked up the dickens in that ward.

Q. You say you heard colored men say they were dissatisfied with the Republican party because of the differences in it?—A. Yes, sir; between Mr. Mackey and Mr. Bowen. They talked it again and again, many times.

Q. Is that the reason why you left the Republican party?—A. Yes, sir; I was tired of so much wrangling myself.

Q. Was there any wrangling at the last election between Mr. Bowen and Mr. Mackey?—A. There were only two straight tickets in the field; one Democratic and one Republican ticket. There was no confusion then.

Q. Don't you know that all the division in the Republican party was healed in the election of 1876?—A. I don't know about that.

Q. Did not the Republicans in this county have but one ticket when Chamberlain and Hampton ran?—A. I believe they did have one ticket. I don't know whether Mr. Mackey and Mr. Bowen had made it up between them though.

Q. Has there not been some wrangling in the Democratic party?—A. There is wrangling now; up now at this time—that is, in the mayor's election.

Q. Was not the Democratic party divided when Cunningham ran against Wagener for mayor?—A. The Democratic party went with the Republican party then.

Q. Who then voted for the Republican candidate for mayor in that election?—A. Republicans and Democrats both. The Democrats and Republicans all went against Mr. Wagener.

Q. Was not Mr. Wagener the Democratic candidate?—A. Yes, sir; he was.

Q. Did not a large part of the Democrats support Wagener, also?—A. I cannot tell you that. I was a Republican myself, and was glad that the Democrats went with us to beat Wagener.

Q. You don't know whether any Democrats voted for Wagener?—A. I guess so.

Q. Then in 1875 both the Republicans and Democrats were divided?—A. Yes, sir; they were both divided.

Deposition of Moses D. Brown.

CHARLESTON, SO. CA., October 8th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County :

MOSES D. BROWN (colored), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am 34 years of age; residence, Charleston; occupation, a policeman.

Q. Did you have anything to do with the election of 1878?—A. Yes, sir.

Q. Where were you on duty?—A. I was on duty a part of the time in the station-house and a part on the streets.

Q. Were you at any of the polls?—A. Yes, sir.

Q. At what poll were you on duty?—A. At the Stonewall engine-house.

Q. Was there a large crowd of country colored people in town that day; did you see them when you came out of the guard-house?—A. Yes, sir; especially at the first and second wards.

Q. Do you know of a great many colored people voting the Democratic ticket that day?—A. I cannot say only about the persons where I was on duty.

Q. How was it there?—A. I saw 175 colored people come up there in line and vote the Democratic ticket.

Q. Did you hear of many colored people before the election say they were going to vote the Democratic ticket?—A. Yes, sir.

Q. Was the name of M. P. O'Connor popular among the colored people for member of Congress?—A. Yes, sir; in the county and city.

Q. That is your firm belief?—A. Yes, sir; I heard them at mass meetings express themselves that way.

Q. Anything else you know you can testify to bearing upon this contest?—A. I was stationed at the Stonewall engine-house from 7 o'clock in the evening until 7 o'clock the next morning.

Q. And everything was conducted fairly and squarely?—A. Yes, sir; everything was conducted fairly and squarely.

Q. Were you at the Stonewall engine-house during the voting?—A. I was there between 3 and 4 o'clock in the afternoon.

Q. But not on duty?—A. Not until 7 o'clock.

Q. You were not on duty?—A. No, sir; I went as a spectator and not as an officer during the polling of the votes. I had an interest in it. I wanted to see how it was going on.

Q. Did you visit any other polls?—A. Only my ward, to see how many votes were polled.

Q. Did you not hear any of the colored people say, before the election, that they were going to vote for the Hon. M. P. O'Connor for Congress?—A. I belong to a Democratic club, called the Haynes Club, that contains 150 men, that went for you to a man, and indorsed the entire State ticket.

Q. Anything else you know that will benefit the contestee you can state it?—A. Nothing that I know of; all I can say is, I was on duty at that precinct and saw no cheating or stuffing of the ballot box.

Q. Everything was conducted fairly and squarely?—A. Yes, sir.

Cross-examination by E. W. M. MACKEY, contestant:

Q. What time of the day did you first go to the Stonewall engine-house; between 3 and 4 o'clock in the afternoon?—A. Yes, sir.

Q. Previous to that, had you been detained in the station-house all day?—A. Yes, sir.

Q. When you went there between 3 and 4 o'clock, how long did you remain?—A. I suppose about three quarters of an hour.

Q. Were you not simply given permission to go out and vote and return at once?—A. No, sir; that was during meal hours.

Q. You went there during your dinner hour?—A. Yes, sir.

Q. How much time were you allowed?—A. They allow you one hour, but sometimes I run the risk and take an hour and a half.

Q. How much time did you take that day?—A. I think I took about one and three-quarter hours.

Q. Were they not more strict on that day than at any other time?—A. They were; I took the risk of getting in. I wanted to see how my friends were getting on.

Q. Were not the officers of the police very loose, with any one who took an interest in the election?—A. They were not loose; I took that responsibility upon myself.

Q. During that time you were out without leave?—A. No, sir; I was out on leave, but I took more time than was allowed me.

Q. Did you go to your dinner?—A. Yes, sir; I got something to eat.

Q. Did you go to any other poll beside the Stonewall engine-house?—A. I stopped at the Hope engine-house on my way down.

Q. How far is it from the station-house to the Stonewall engine-house?—A. I don't know. I can walk from the station-house to the Stonewall engine-house inside of ten minutes fast walking.

Q. During the three-quarters of an hour that you were at the Stonewall engine-house, what were you doing?—A. Just looking on.

Q. Whereabouts were you, that is, how far from the ballot-box?—A. I was standing outside of the barricade, in view of the ballot-box.

Q. Was there not a barricade in the shape of the letter V in front of the ballot-box?—A. Yes, sir.

Q. And you were standing on the outside of that?—A. Yes, sir; near enough to see.

Q. During that three-quarters of an hour, could you see what every man voted?—A. I could not see every man vote, but I could see what those voted in front of me, and they voted the Democratic ticket.

Q. Was any other ticket voted there?—A. The Republican ticket.

Q. Did you see any man vote the Republican ticket while you were there?—A. Yes, sir.

Q. About how many men?—A. I cannot tell.

Q. About 50 or 100?—A. I don't think so.

Q. About how many did you see vote the Republican ticket there?—A. I didn't take any interest in those that voted the Republican ticket.

Q. Did you see how many voted the Democratic ticket?—A. I didn't count them. I was only anxious to see that my candidate was going to get the majority at that precinct.

Q. You did not keep any account of how many voted the Democratic ticket?—A. No, sir.

Q. Did you see those 175 men in line, with the Democratic ticket in their hands?—A. No, sir; they were all mixed up; but I knew the Democratic tickets when I saw them.

Q. These 175 colored men that voted the Democratic ticket, where did they come from?—A. From the city; in State elections there is no restriction for them to vote in their own wards.

Q. These 175 colored men lived in different wards in the city?—A. I suppose so; it was always the custom in the State election to vote in any ward you please.

Q. They came up together?—A. They came up together, and voted; I knew them to be Democrats.

Q. Did they belong to the Hayne club?—A. The majority did.

Q. Did these 175 colored men come up in line and vote the Democratic ticket?—A. I will answer your question in this way. I saw 175 colored men come up to the poll, and the great majority of them had the Democratic ticket.

Q. Then you mean to say, that of these 175 men that you saw the majority of them had the Democratic ticket?—A. I was not there as a tallier to keep the name of every man who voted the Democratic ticket.

Q. I ask you again, of the 175 colored men that you saw, do you mean to say that the whole of them voted the Democratic ticket or a majority of them?—A. I say, a majority of them voted the Democratic ticket.

Q. Now this majority that you saw vote the Democratic ticket, what kind of Democratic ticket did they vote?—A. They voted the regular Democratic ticket, the regular State ticket.

Q. Was it a tissue ticket?—A. They voted the regular Democratic State ticket.

Q. I ask you again, did they vote the Democratic tissue ticket, that is, the small tissue paper ticket?—A. No, sir; I did not see them.

Q. Did they vote the Democratic ticket which was printed on plain white paper, that was made in imitation of the Republican ticket?—A. I answer that question by saying they voted the regular State Democratic ticket.

Q. Do you not know that there was a Democratic ticket printed on plain white paper in red ink?—A. I never saw any. The authorities were very strict with us, not to fool about the polls with any tickets, only those we intended to vote.

Q. Did they vote what is called the calico-back ticket?—A. That was the ticket; that is the regular State Democratic ticket.

Q. Are you certain that was the kind of ticket they voted?—A. Yes, sir; that was the kind of ticket they voted.

Q. Did you see any tissue tickets around that poll?—A. No, sir; if they were there I did not see them.

Q. Then the colored men that you saw vote the Democratic ticket

voted the calico back ticket, and not the tissue ticket?—A. They voted the same ticket that I did, the calico-back ticket.

Q. Did every one of these colored men who voted the Democratic ticket vote their tickets openly?—A. Every one that I saw voted an open ticket.

Q. May they not have concealed their tickets?—A. No, sir.

Q. Did they appear to be afraid of allowing any one to see how they voted?—A. No, sir.

Q. During the campaign preceding the election, what places in the county did you visit?—A. I went to Bonneau's Station to the large barbecue where Gov. Hampton addressed the people.

Q. Did you go to any other Democratic meeting?—A. Yes, sir; at Strawberry Ferry.

Q. Did you go to any other?—No, sir; not outside of the city.

Q. Now when you went to the Strawberry Ferry and Bonneau's meetings, did you not go as a policeman under the command of Col. Rhett?—A. I did not.

Q. In what capacity did you go?—A. When Gov. Hampton made his speech on the battery I got leave of absence to come out, and when I went to Bonneau's I asked for 24 hours' leave.

Q. How did you go to Strawberry?—A. The same way I went to Bonneau's.

Q. You got leave of absence then on both occasions?—A. Yes, sir.

Q. Did any other colored policeman get leave of absence besides yourself?—A. Myself and Hayne.

Q. You went there in the interest of the Democratic party?—A. Yes, sir.

Q. Are those the only two places you visited in the county during the election?—A. Yes, sir; the only two.

Q. How long have you belonged to the Hayne Democratic Club?—A. I joined the Hayne Democratic Club in Mayor Sale's campaign, but I voted for Gov. Hampton in 1876.

Q. You voted the Democratic ticket in 1876?—A. Yes, sir; at the Hope engine house.

Q. Of that you are positive?—A. Yes, sir; that is the time I went over to the Democratic party.

Q. Then you are positive that you voted the Democratic ticket in 1876?—A. Yes, sir; there were a great many who voted it besides myself.

Q. Have you never said since then to any one that you voted the Republican ticket in 1876?—A. No, sir; I never did.

Q. How do you know 150 colored men belong to the Hayne Democratic Club?—A. The books will show it.

Q. You ever examined the books?—A. I heard the secretary call the roll.

Q. Did he claim there were 150 members?—A. There were never 150 there at any meeting, but 150 men registered their names as members.

Q. Were all of these 150 members of the Hayne Democratic Club recorded on that roll-book?—A. That club was in existence for the last eight years; they have been taking in members since I was a member. I know they have taken in over 100 members since I have been there.

Q. Were not some of the members afraid to have their names recorded?—A. No, sir.

Q. Are you certain about that?—A. Yes, sir; we do not take in men that cannot stand to the front. If he comes in there he must be a pure Democrat.

Q. If I understand you aright, then, no person can join that club un-

less he has his name recorded on the roll?—A. It is always usual for us to read the constitution and by-laws to him, and if he abides by that he becomes a member and votes the Democratic ticket.

Q. Are you positive that there are 150 members of that club?—A. I think there are more than that, but I won't be positive.

Q. Are there not less than that?—A. That can't be.

Q. Suppose that Hayne would swear that there was only 75 or 80 members of the club, would he be telling the truth?—A. He would be better qualified to answer that question than I am.

Q. If Hayne had sworn that there were only 75 or 80 members of that club then he is more right than you are?—A. I cannot answer that question.

Q. Don't he know as much about the membership of that club as you do?—A. Sometimes I don't go to that club twice in a month, sometimes members may come there that I don't know. This is the time we are rallying up the club. I suppose I can tell now.

Q. Is not Hayne the president of that club?—A. He is president of that club.

Q. Who is the secretary of the club?—A. I think the secretary's name is King.

In reply by M. P. O'Connor, contestee:

Q. You say you were at the Stonewall engine-house only three-quarters of an hour?—A. I went there the hour they allowed me at dinner. I took a half hour on my own responsibility.

Q. Did any of those men that you saw vote the Democratic ticket tell you that they had voted the Democratic ticket?—A. They expressed themselves that way before and after the election.

Q. Did they tell you that before the election?—A. They told me so before and after the election.

In the matter of the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

MONDAY, Oct. 13th, 1879.

Court met pursuant to adjournment at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, South Carolina, before which court were present M. P. O'Connor, contestee and his counsel, Geo. R. Walker, and E. W. M. Mackey, contestant. The following witness was examined, viz, M. N. Waring, M. D.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

Deposition of M. N. Waring, M. D.

CHARLESTON, S. C., Oct. 13, '79.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

M. N. WARING, a witness of legal age, produced by contestee upon due notice to the contestant, deposes as follows in reference to questions propounded by contestee:

Question. What is your age, residence & occupation?—Answer. Phy-

sician; 49 years old; residence Monk's Corner, 29 miles from Charleston.

Q. Did you take any part in the election of 1878?—A. I was chairman of the board of managers, Black Oak polling precinct, Charleston County.

Q. Was the election conducted fairly & squarely?—A. It was. The poll was opened precisely at 6 a.m. and closed at 6 p.m. The box was opened & exposed to the bystanders before the poll opened, and in the presence of the two supervisors representing the two political parties, who inspected it. The box was under my eye during the whole day, and nothing illegal or irregular was done or occurred. There was a large Republican majority at this poll, but not so large as in previous elections. A great many colored men voted the Democratic ticket on the last election; cannot say how many, but I believe there would have been more colored Democratic votes but from fear of the party lash and consequences that would have been injurious to them.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Was the Democratic vote at Black Oak any larger at last election than at previous elections?—A. It was smaller.

Q. About how many colored men voted the Democratic ticket at your poll?—A. About five. There was never that many cast before.

Q. How did the Democratic vote at the election compare with that cast at previous elections?—A. It was smaller, the Democratic vote at this election being seven (7) and at previous elections it was about 22 or 23.

Q. Were all the managers at said poll Democrats?—A. They were. We had no clerk & one of the managers acted as clerk.

Q. Were any Democratic tissue tickets voted at your poll?—A. The seven Democratic votes cast were tissue tickets.

Q. Were any State constables on duty at your poll?—A. There were two.

In reply by Mr. O'CONNOR:

Q. How do you account for the falling off in the Democratic votes in the last election from the same vote in the previous election?—A. On account of the impression produced on the minds of some of the voters by a controversy between McKinley, Republican supervisor, and the chairman and managers as to the oath to be administered to the voters.

Q. How many voters refused to vote in consequence of this controversy?—A. About seven that I knew.

Q. What did McKinley say in this controversy?—A. He said to the chairman that I was administering the wrong oath and that the votes in the box were illegal. I subsequently convinced him that the oath the managers had administered was the right one.

By Mr. MACKEY:

Q. Did his interference injure the Republicans as well as the Democrats?—A. I don't know that it materially injured either. The seven men who refused to vote at Black Oak poll were not, as far as my knowledge extends, deprived of their franchise. They said they would go to another poll.

M. N. WARING, M. D.

Sworn to before me this 13th day of October, 1879.

I.S.W.A.T.

JACOB WILLIMAN,

Trial Justice & N. P.

In the matter of the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Congress of the United States.

MONDAY, Oct. 27th, 1879.

Court met pursuant to adjournment at the office of M. P. O'Connor, No. 30 Broad street, in the city of Charleston, South Carolina, before which court were present M. P. O'Connor, contestee, and Geo. Rivers Walker, his counsel, and E. W. M. Mackey, contestant. The following witness was examined before the court, namely, Geo. E. Pritchett.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

OCT. 27TH, 1879.

THE STATE OF SOUTH CAROLINA,
Charleston County:

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

GEORGE E. PRITCHETT, a witness of legal age, produced and sworn on behalf of M. P. O'Connor, contestee.

Question. What is your age, residence, and occupation?—Answer. Forty-seven years old; reside at Foreston, Clarendon Co., seventy miles from Charleston; occupation, merchant, dealer in turpentine.

Q. Were you one of the managers of election at Foreston precinct in the last State election?—A. I was, together with W. R. Croskey and W. A. Lowder.

Q. How do you account for the fact that the 125 votes received by E. W. M. Mackey at your poll for Congress were omitted from your return?—A. It was a clerical error on my part in making out the returns. I cannot account for the omission, except by accident, inasmuch as I drew up for one of the supervisors his report, in which the vote received by E. W. M. Mackey was given as well as that for M. P. O'Connor, and I afterwards saw published in the Clarendon Press the official return of the commissioners of election for Clarendon Co., in which these votes were given to E. W. Mackey; the return being for E. W. M. Mackey 125 votes, and for M. P. O'Connor 369 votes.

GEO. E. PRITCHETT.

Sworn to and subscribed before me this 27th of October, 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice & N. P.

Deposition of John S. Horlbeck.

CHARLESTON, SO. CA.,
October 14th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

JOHN S. HORLBECK, a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. What is your name?—Answer. John S. Horlbeck.

Q. What is your profession?—A. I am a lawyer, having graduated but never practiced; I am a planter.

Q. Are you a nephew of the well known clerk of the United States court in this city?—A. I am.

Q. Did you have anything to do with the national election of 1876?—A. Nothing, except to vote.

Q. You took no part in it, except to cast your vote?—A. No, sir.

Q. Where do you plant?—A. Christ Church Parish.

Q. Where did you sleep on the night prior to the late election?—With my brother, on Mt. Pleasant.

Q. Do you know whose watch was used at that election at the Mt. Pleasant precinct?—A. Mine was borrowed for that purpose; but don't know whether it was used or not, as I did not see any of the managers that day; I was not near enough to the polls to even see the beginning.

Q. When was your watch borrowed?—A. I suppose in the morning between ten minutes and a quarter to six. I remember saying to them, if they didn't hurry up they would not be in time to open the poll; what I said was said in the room.

Q. How far is your house from the poll as to time?—A. I suppose about 5 or 6 minutes' walk.

Q. Was your watch correct?—A. To the best of my knowledge it was correct; I was using it all along; I use it to go over the ferry, and I am generally in time.

Q. Have you any special knowledge as to the correctness of your watch on the morning of the election?—A. It was right the day before because I generally compare my watch when I pass by either the ferry wharf or at the post-office.

Q. And you are certain that your watch was right the day before the election?—A. I think it was.

Q. Now have you the slightest reason to believe, by reason of your own knowledge, that your watch was incorrect?—A. On the morning that it was borrowed I have no reason to suppose so.

Q. I understand you then to say that your watch was compared with the city the day before the election, and that it was untampered with and loaned by you on the morning of the election, absolutely correct to the best of your belief?—A. To the best of my belief I think it was correct. I did not compare it with a view of the election, as I did not know my watch was going to be used; but as there was no watch amongst the managers, they asked me, as my watch was correct, would I loan it to them, and I did so.

Q. The loaning of your watch to the managers was unexpected to you, until it was asked of you?—A. Yes, sir.

Q. And you gave it to them in good faith?—A. Yes, sir, in good faith.

Q. If the Mt. Pleasant poll was opened by your watch subsequent to the borrowing of the same, from the time it takes a person to walk from your house to the poll and from the day at which your watch was borrowed, is it possible that the poll could have been opened at twenty minutes to six?—A. Impossible, because at the time my watch was borrowed it was 10 or 15 minutes to six, and my watch could not be twenty minutes out of the way, or I would have been left going over the ferry, and would soon have found it out.

Q. How long has your family owned Boone Hall plantation, Christ Church Parish?—A. For three generations.

Q. Have you any knowledge of any conspiracy, fraud or wrong doing in regard to the last election?—A. I knew nothing of it at all; the fact of the matter is, I left Mt. Pleasant and came to the city.

Deposition of J. M. Heape.

CHARLESTON, SO. CA., October 15th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

J. M. HEAPE (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee :

Question. Where do you reside ?—Answer. I reside about a half mile below the 22-mile post on the State road.

Q. What is your business ?—A. Farmer.

Q. Have your family long been in this country ?—A. It has been so long that I cannot say the year, but it has been before the revolutionary war.

Q. An old Carolina family ?—A. Yes, sir.

Q. What was your business and occupation on the day of the national election of 1878 ?—A. I was the chairman of the board of managers of election of the 22 mile precinct on the said day.

Q. Who were your fellow-managers ?—A. Daniel Dacoster and F. M. Drose.

Q. Men of good repute ?—A. Yes, sir.

Q. What time did you open the poll ?—A. Six o'clock.

Q. What time did you close it ?—A. Six o'clock.

Q. Was the box publicly exposed ?—A. It was.

Q. Were any ballots put in that box by you or any other person ?—A. They were not.

Q. Prior to the closing of the poll ?—A. No, sir; there were no ballots put in there.

Q. You are certain the box was empty ?—A. Yes, sir; it was shaken on the table.

Q. You mean upside down ?—A. Yes, sir.

Q. With the lid open ?—A. Yes, sir.

Q. As a manager of election did you witness the count ?—A. I did.

Q. Was the election, during the day, conducted fairly, honestly and squarely ?—A. To the best of my belief.

Q. Did any of the other managers to your knowledge attempt to stuff that ballot box ?—A. They did not.

Q. Did any other person known to you stuff that box ?—A. They did not.

Q. Would any other person have an opportunity of doing so without your knowing it ?—A. No, sir.

Q. Was that box opened publicly when the balloting was over ?—A. Yes, sir; at six o'clock it was opened.

Q. Were any Republicans present ?—A. Yes, sir; in the rear and front both.

Q. The crowd was in front ?—A. The crowd was in front, but at least 4 or 5 Republicans were in the rear.

Q. Name them ?—A. E. W. Green, William M. Thorne, and McLaughlin, I don't know his other name. They were a great part of the time in the rear of the box.

Q. Was any effort made to prevent the supervisor from inspecting

the conduct of the election from the opening of the polls to the closing of the count!—A. There was none. He came in, I think, about a quarter before six, and asked me if he could get a table. I told him I would see; and I turned right around to my brother-in law and asked him to procure both a table and chairs for the Republican and Democratic supervisors.

Q. Did he appear satisfied or dissatisfied with the conduct of the election?—A. He appeared to be perfectly satisfied.

Q. Did he sign any paper to that effect?—A. He did sign the Democratic supervisor's returns.

Q. You know what became of those returns?—A. They were returned to Mr. Poinier.

Q. Do you know the character of the Democratic supervisor's returns?—A. I did not see it; but I understood that he did say that it was a fair and square election and a peaceable count.

Q. And Tharin signed that?—A. Yes, sir.

Q. The night of the election?—A. Yes, sir.

Q. Tharin's story to the contrary, I understand you, then, to be after-thoughts?—A. They must have been.

Q. In the assorting of the ballots, were any Republican tissue tickets found in the box?—A. There were some, printed in black ink, thinner than the regular Republican ticket.

Q. Is that the ticket (handing witness the Republican tissue ticket)?—A. I cannot say that was the ticket; there is one name not on that ticket that I saw that night. E. W. Green's name was on the ticket that was in our box.

Q. But it was a Republican tissue ticket?—A. Yes, sir.

(Republican tissue ticket, marked Exhibit N, put in evidence.)

N.

UNION REPUBLICAN TICKET.

For 46th Congress—2d District.

EDMUND W. M. MACKEY.

For Senator.

JAMES B. CAMPBELL.

For House of Representatives.

Andrew Simonds.

C. G. Memminger.

Francis S. Holmes.

Edward McCrady, jr.

John H. Thiele.

Stephen H. Hare.

William J. Brodie.

James A. Williams.

Joseph J. Leesne.

James Hutchinson.

Nathaniel Morant.

Frank Ladson.

William G. Pinckney.

Renty K. Washington..

Andrew Singleton.

Warren N. Bunch.

James Singleton.

For County Commissioners.

Louis Dunnemann.

William H. Thompson.

Richard Bryan.

For School Commissioner.

Michael M. McLaughlin.

For Judge of Probate.

Charles W. Butts.

Q. Was it a Republican tissue ticket, resembling the exhibit handed you?—A. Yes, sir. Understand me that I never saw this ticket on the day of election.

Q. How was the drawing of the tickets conducted?—A. The box was covered with a handkerchief.

Q. Whose handkerchief?—A. Belonging to Mr. McLaughlin.

Q. The Republican you referred to?—A. Yes, sir.

Q. Who covered the box?—A. I cannot say positively, but I think one of the managers; I would not say which of the three, or whether it was the clerk that covered it.

Q. It was covered with Mr. McLaughlin's handkerchief?—A. Yes, sir.

Q. What was done with the excess of tickets?—A. They were destroyed as they were drawn out.

Q. How were they drawn out?—A. They were drawn out and handed to the United States supervisors, and they were then thrown into the fire.

Q. The Republican supervisor?—A. Both; as they were drawn out I handed them to them.

Q. Now let me ask you something which you can answer or not as you please: Did you conspire with your fellow managers or anybody else to stuff that ballot-box?—A. We did not; we did not know that there was a tissue ticket in existence until we found them in the ballot box.

Q. Did you make any attempt to put an illegal ballot in that box?—A. We did not.

Q. Had anybody done so except a voter secretly depositing more than one ticket, would you not have known it?—A. I think we should have known it.

Q. Who drew out the excess?—A. Mr. Francis M. Droze, one of the managers.

Q. Did he appear to do his duty honestly?—A. He did, I think. Thorne was standing by, and he said if any man did a thing fair it was our little Baptist preacher that done the drawing.

Q. Have the colored people in your vicinity been in the habit of voting the Democratic ticket openly?—A. No, sir; I never knew but two that have ever voted it openly.

Q. Why do they not vote it openly?—A. From fear.

Q. Why do you say from fear?—A. Why, from threats that the Republican negroes make against them.

Q. You mean Republican intimidators?—A. Yes, sir.

Q. Is this intimidation confined to men alone?—A. The women also, more so among the women than among the men.

Q. Have you ever attended any political meetings?—A. Nearly every one that was held in the middle part of our county.

Q. Have the women at the meetings been harmless and inoffensive?—A. No, sir; very obstreperous.

Q. What made them obstreperous?—A. I cannot say, except they were afraid their husbands would become Democrats.

Q. What was the character of these threats against Democratic negroes?—A. Some were of murder, some of extermination, some of the wives quitting their husbands and driving them off.

(Objected to by contestant as hearsay.)

Q. Was this extermination a common thing amongst them?—A. It is so in the election.

Q. Have you had large experience with the negroes?—A. I was born and raised with them. I sucked the bosom of a negro woman.

Q. Would a negro be likely to vote a large Democratic ticket?—A. No, sir.

Q. Or a small tissue ticket?—A. A small tissue ticket every time.

Q. Have you any reason for saying so?—A. Yes, sir; I heard one say that he knew over fifty of his brethren that he gave tissue tickets to. He was the only man that I heard say he saw tissue tickets until the box was opened.

Q. Was this a colored man?—A. No, sir; he was a black man.

Q. He said he gave them to parties secretly?—A. He said he gave them to his brethren and they voted them secretly.

Q. Was he from your county?—A. He was originally from Charleston, but he came there from St. James Goose Creek Parish, but he was up in our county.

Q. Did you find any tickets rolled together in the ballot box?—A. We did.

Q. Any Republican tickets?—A. Yes, sir; some of these same tissue tickets with the Republican tickets rolled around them.

Q. When you found two tickets rolled together, what did you do with them?—A. If they were different we destroyed one and counted the other; if they were the same we destroyed both.

Q. If a Republican ticket of the larger size were voted, with tissue tickets folded within it, state whether it would be, or not, possible to shake out the tissue while ostensibly voting the larger ticket.—A. Just as much so as any other ticket.

Q. Would they not be apt to scatter in the box?—A. Yes, sir; of course they would.

Q. Are those the instructions you received?—A. Yes, sir.

Q. You followed them closely?—A. As close as men could follow instructions.

(Handing instructions to the witness.)

Q. Examine those instructions and state whether the managers acted strictly in accordance with the terms of the same in every particular, without fraud, deceit, evasion, conspiracy, or design.—A. I must say, we came as near as men could to these instructions.

Q. Without fraud, conspiracy or evasion, or anything intending to change the true result of the election?—A. We did not. We read them over carefully and followed them as closely as men could.

(Instructions for managers, put in evidence, marked Exhibit O.

O.

Instructions for managers.

Each manager of election must take and subscribe, before any officer authorized to administer an oath, the oath of office provided by the constitution, and send the same to the commissioners of election, to be filed in the office of the clerk of the court.

1. At their first meeting, the managers should organize themselves into a board by appointing one of their number chairman. The chairman should administer the necessary oaths in the course of the election.

2. The managers must then appoint a clerk, who must take the oath provided by the constitution before the chairman of the board.

3. The polls must be opened at 6 o'clock a. m., and closed at 6 p. m.; and must be kept open, without intermission or adjournment, during these hours.

4. At the opening of the poll the box must be publicly opened and inspected, to see that it is empty and secure, then locked, the key returned to the managers, and not again opened during the election.

5. The managers must administer to each person offering to vote an oath that he is qualified to vote at this election according to the constitution of this State, and that he has not voted during this election.

The voting must be by ballot, which must contain written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and must be so folded as to conceal the contents.

7. The clerk of the poll must keep a poll-list, upon which must be entered the name of every elector voting at the election.

8. At the close of the election the managers and clerk must immediately proceed, publicly, to open the ballot-box and count the ballots therein; and continue such count, without adjournment or interruption, until the same is completed. If, in counting, two or more like ballots should be found folded together compactly, only one shall be counted, and the others destroyed; but if they bear different names, the same must be destroyed and not counted. If more ballots are found, on opening the box, than there are names on the poll-list, all the ballots must be returned to the box and thoroughly mixed together, and one of the managers, or the clerk, must, without seeing the ballots, draw therefrom and immediately destroy as many ballots as there are in excess of the number of names on the poll-list.

9. After counting the votes, the managers and clerk must make and sign a statement of the result of the election. Within three days after the election, the chairman of the board, or one of the managers designated in writing by the board, must deliver to the commissioners of election their written statement of the result of the election, the poll-lists, and the boxes containing the ballots, properly sealed and secured. The managers must, in addition to the statement of the result of the election, make and sign separate returns of the number of votes cast for governor and lieutenant-governor, in duplicate, and seal up the same, and deliver them to the commissioners of election, to be transmitted to the secretary of state, and filed with the clerk of the court.

Q. And you reassert that you and your fellow managers, to the best of your knowledge and belief, participated in no attempt to change the true result of the election?—A. We did not.

Q. State whether it was true or not that the Democratic tissue-tickets were always found rolled in large Democratic tickets, and being so found were counted?—A. I will state that there was some found in each ticket, but wherever they were found alike they were destroyed, one or the other, according to the law; they were found in Republican tickets as well as in Democratic tickets.

Q. When they were alike one was destroyed, and when they were different both were destroyed?—A. Yes, sir.

Cross-examination by E. W. M. MACKEY, contestant:

Q. For whom did you vote for Congress?—A. Mr. M. P. O'Connor.

Q. To what political party do you belong?—A. The Democratic party.

Q. Were the other two managers Democrats also?—A. They were.

Q. Did you have a clerk?—A. We did.

Q. Was he a Democrat also?—A. He voted the Democratic ticket. I heard him say he was a Republican, but he voted the Democratic ticket on the day of election. You know the man as well as I do, Mr. George Cannon.

Q. Did your clerk vote the straight Democratic ticket also?—A. He did, to the best of my memory.

Q. At the close of the poll did the managers first count the number of

votes in the box to see if they corresponded with the number of names on the poll list!—A. We did, and they were the same number and while so counting them, wherever two or more were found folded together we destroyed them; if they were alike we destroyed one and counted the other, but if they differed we destroyed both.

Q. Do you recollect what was the result of that count of the number of tickets in the box?—A. I cannot imagine what count you mean.

Q. I mean the result of your count in order to ascertain the whole number of votes that were in the ballot-box?—A. I don't remember the whole number.

(Counsel for contestee objects to the question as tending to mislead the witness by reason of its uncertainty, it being impossible for any one to understand from the question whether the witness is interrogated as to votes or ballots.)

Q. Do you recollect how many tickets were found in the box?—A. I do not.

Q. Did you count the whole number of tickets that were found in the box?—A. We did.

Q. In counting the tickets to ascertain what was the whole number did you include in that count such tickets as you destroyed during the time that you were counting them?—A. When we found two ticket together, one of one kind and one of another, we destroyed them both but if we found two tickets containing the same names we counted one. In making up the count, or in ascertaining the whole number of tickets in the box, we did not include any of that kind, such tickets as we destroyed; we only counted those we returned.

Q. Then after these tickets had been destroyed, the ballots in the box still exceeded the number of names on the poll-list?—A. I said, first, that we destroyed the votes that we found wrapped together; after that we returned the whole number of ballots to the ballot-box and drew the excess.

Q. Do you remember then what was the excess?—A. I do not.

Q. Was it not 230?—A. I wouldn't say positively; our ballot-box and returns will show that.

Q. You testified in regard to some Republican tissue tickets being found in your box; do you recollect how many were found?—A. I don't remember their number.

Q. Do you mean to say that the tickets which you called Republican tissue tickets were printed on tissue paper?—A. It was on similar paper of finer texture than the other.

Q. Were those tickets of the same kind of paper that the small Democratic tissue tickets were printed on?—A. I cannot say that, because I did not feel them.

Q. Were they the regular Republican tickets?—A. They were not.

Q. Do you positively assert that those tickets were printed on what is commonly called tissue paper?—A. What ticket?

Q. The Republican ticket to which you have alluded.—A. What I call tissue paper.

Q. Have you no idea of the number that were found in the box?—A. I could not say positively.

Q. Were there 5 or 6?—A. I would not say there were 5 or 6, or there were 50; but there were a good many of them.

Q. Is the ticket marked Exhibit N, the one shown to you, the ticket that you found in the box?—A. I say it is not.

Q. Was not the ticket you saw, instead of being printed on tissue paper, it was printed on a poor quality of white paper?—A. No; I have

said it was printed on what I call tissue paper, to my judgment, and I still say it.

Q. But you cannot say whether or not it was such tissue paper as the Democratic tissue tickets were printed on?—A. I cannot say whether it was such paper as Mr. Mackey says is tissue paper, but on such paper as I call tissue paper.

Q. Was it larger or smaller than the regular Republican ticket?—A. It was not as large as the regular Republican ticket. It may have been a little longer than Exhibit N, but of a similar character of paper.

Q. Do you recollect any of the names that were on the ticket to which you have referred which were not on the regular Republican ticket?—A. I didn't see one; I never read the regular Republican ticket the entire day, because they kept them hid the entire day.

Q. Was the name of E. W. Green on that tissue ticket?—A. It was.

Q. Was his name on the regular Republican ticket?—A. I don't know that.

Q. When did you first see the Democratic small tissue tickets?—A. Not until the ballot-box was opened, after six o'clock in the evening.

Q. Did you see any of them voted during the day?—A. I did not.

Q. Was the colored man that told you that he gave at least 50 tissue tickets to colored men a Democrat or Republican?—A. He said he was a Democrat.

Q. When did he tell you this; since the election?—A. I don't recollect the exact time; about a month or two ago.

Q. Did you find any Republican tickets with Democratic tissue tickets folded inside of them?—A. We did.

Q. How many did you find?—A. I cannot state that.

Q. Have you any idea?—A. Maybe 4 or 5 of them, maybe more or less.

Q. Did you find any large Democratic tickets with these small Democratic tissue tickets folded inside of them?—A. We did.

Q. Did you find many of them?—A. Not many; not as many as Republican tickets.

Q. When the managers found that the number of ballots in the box were in excess of the number of names on the poll-list were they at all surprised?—A. We were.

Q. You mention the fact of having seen colored women at Republican meetings; have you never seen white ladies in conveyances at Democratic meetings?—A. I have; but they behaved quite differently.

Q. How do you know that a negro would be likely to vote the tissue ticket in preference to the larger Democratic ticket?—A. From fear, because it could be wrapped closer together, and the Republican negroes could not detect what he had voted.

Q. Did any of them tell you that before the election?—A. I did not know there was such a thing as a tissue ticket to be voted; how could they tell me such a thing?

Q. How did you come to be appointed a manager of election?—A. I don't know. I was not appointed until Saturday, and the election was Tuesday.

Q. Were you not appointed upon the recommendation of the Democratic clubs in that vicinity?—A. I was president of one of the Democratic clubs; but if I was recommended by them I did not know of it at all.

Q. How far is 22 Mile House poll from Summerville?—A. About 6 miles.

Q. Is it above or below Summerville?—A. A little above, I think.

Q. Is the 22 Mile poll on the State road 22 miles from the city of Charleston?—A. It is a little above the 22-mile post, on the State road.

Q. Where is Cooper's Store poll?—A. I think by the 29-mile post.

Q. On the same road?—A. Yes, sir; the State road.

Q. 29 miles from Charleston?—A. I think so, as well as my memory serves me.

Q. How many miles above your poll?—A. That would make it 7 miles.

Q. Where is the Cross-Roads poll?—A. About 38 miles from the city of Charleston, on the State road. I would not state that positively.

Q. Where is Hickory Bend poll?—A. It is on the State road, but I cannot state the exact number of miles, positively, but I suppose it is about 48 or 49 miles from the city.

Q. Is not the 22-Mile House, Cooper's Store, Cross Roads, and Hickory Bend, all in the Parish of St. James Goose Creek?—A. They are.

Q. Did you see the Republican Supervisor Thorne sign any statement?—A. I think I did.

Q. Do you mean to say that that statement that he signed certified that the election had been conducted fairly and squarely?—A. It was to that effect.

Q. You are certain of that?—A. Yes, sir; I can prove that, too.

Q. Was it a printed blank, or a written statement that he made out?—A. I would not state whether it was written or printed, but it was there when we made up the papers.

Q. Was it not simply a statement of the votes as counted by the managers?—A. It was a statement sent him by Col. Wallace for him to forward back to him that he signed with the Democratic supervisor.

Q. Do you mean to say that Col. Wallace sent such a statement for the supervisor to sign?—A. No; I meant Pioneer.

Q. Are you positive that there was in that statement anything at all about the election being fair and peaceable?—A. It was, to the best of my memory.

In reply by GEORGE R. WALKER, counsel for contestee:

Q. Is Summerville on the State road?—A. No, sir; it is not.

Q. What county is Summerville in?—A. Part in Charleston and part in Colleton.

Q. Is there a poll in Summerville?—A. For Charleston County or Colleton?

Q. Either?—A. There was one in Colleton County.

Q. Prior to this election, there was a poll also for Charleston County?—A. There was.

Q. Did the existence of a poll in Charleston County and the Colleton County poll in the same town facilitate or prevent repeating at elections?—A. They very often repeated, and that was the cause of the polls being moved, I think.

Q. Had the tickets of the Republicans or Democrats been destroyed during the election day, would it have been easy to have supplied their place with new tickets?—A. Yes, sir.

Q. Is the county around the Cross Roads and Hickory Bend a very thickly populated country?—A. The thickest part of Charleston County I know; that is, in St. James Goose Creek.

Q. Is it the most thickly populated portion, by Democrats, of the county?—A. It is.

Q. Therefore this part of the county, where the polls were as much as 10 miles distant, was a part of the county where the Democrats were most dense?—A. It was.

Q. Then, do I correctly understand you to say that the distance between these polls was an inconvenience rather to the Democrats than the Republicans?—A. Of course; it is much more inconvenient to the Democrats than the Republicans.

Q. Do I understand you to say the removal of the Summerville poll was to prevent repeating from Colleton?—A. It was to prevent repeating from Colleton.

Deposition of F. M. Drose.

CHARLESTON, SO. CA., October 15, 1880.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County:

F. M. DROZE (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. Where is your residence?—Answer. About three and a half miles from Summerville.

Q. What is your occupation?—A. Farmer.

Q. Are you a native of South Carolina?—A. Yes, sir.

Q. Lived here all your life?—A. Yes, sir.

Q. Your ancestors before you?—A. Yes, sir.

Q. Did you hold any position in the election of 1878?—A. I was manager of election at the 22-Mile House poll, St. James Goose Creek, with Mr. Heape as chairman, and Mr. Dacoster my associate.

Q. Have you been present to day when Mr. Heape, the chairman of your board of managers, was examined and delivered his testimony in the case of the contest of Mr. Mackey against Mr. O'Conor?—A. I was.

Q. Were you present throughout the whole of his examination?—A. I was.

Q. Did you hear every word of the evidence he gave?—A. I did.

Q. Do you substantiate and corroborate all the testimony that he has delivered here to day on the stand?—A. I do.

Q. Is there any particular matter within your knowledge connected with the election held at your poll in November, 1878, bearing upon this contest, beyond what has been stated in the testimony of Mr. Heape, that you are in possession of and can make known in this examination?—A. None that I know of.

Q. You can add nothing to the testimony of Mr. Heape?—A. Nothing at all.

Cross examination by E. W. M. MACKEY, contestant:

Q. For whom did you vote for Congress?—A. I voted for Mr. O'Connor.

Q. Do you know how you were appointed a manager of election?—A. I do not; I received my appointment on Saturday, I think it was, and the election was held on the following Tuesday.

Q. When did you first see the small Democratic tissue tickets?—A. When we commenced to count at the close of the election.

Q. Did you see any of them voted during the day?—A. I did not.

Q. Do you recollect seeing certain Republican tickets in the box with the name of Green upon them for the legislature?—A. I never paid particular attention.

Q. Can you tell whether or not they were printed on tissue paper?—

A. I cannot tell. I am not acquainted with the different qualities of paper.

Q. You cannot say, then, what quality of paper the Republican tickets mentioned by Mr. Heape were printed on?—A. I cannot.

Q. Did you see any statement or returns signed by the Republican supervisor, Mr. Thorne?—A. All I say positively is, that I know there was a talk about signing it, and the other supervisor said he did sign it, but I was busy at the time, and I did not see him sign it.

Q. Do you know, however, what was in that paper?—A. I do not.

Q. You cannot say, then, what it certified to?—A. I think it only certified, I am not positive, but I think it only contained the number of votes and the names of those that voted.

Q. Do you recollect seeing anything in it about a fair and peaceable election?—A. I never read it.

Q. Have you attended any Republican meetings?—A. Very few.

Q. Do you recollect whether or not any Republican tickets were found in your box with small Democratic tickets folded in them?—A. There was.

Q. About how many?—A. I recollect one that had four in it; as for any more I will not be certain.

In reply by M. P. O'CONNOR, contestee:

Q. The Republican ticket that you found in the box, was it on a thinner paper than a regular Republican ticket?—A. It was.

Deposition of I. E. Fultz.

CHARLESTON, October 15th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County:

I. E. FULTZ (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by the contestee:

Question. What is your profession in life?—Answer. I am a merchant and planter.

Q. Did you vote in the election of 1878?—A. Yes, sir.

Q. Where?—A. At Biggin's Church.

Q. Is that where you usually vote?—A. No, sir; at Black Oak.

Q. Why did you not vote at Black Oak?—A. Because one of the supervisors said—Mr. McConnelly said—that there was something wrong in the management of the election, and I did not care to throw my vote away, and I went to another poll.

Q. Was Mr. McConnelly a Democrat or a Republican?—A. A Republican.

Q. Was this said to you privately or publicly?—A. Publicly.

Q. Did this statement affect you alone or other Democrats?—A. It affected the Democrats generally. I don't think there was a Democrat voted there.

Q. Do you recollect on what ground the supervisor made this ridiculous statement?—A. He said they should have sworn in another man, and not one of the managers, to act as clerk.

Q. This caused the Democrats not to vote at this poll?—A. Yes, sir.

Q. Did every Democrat that left that poll go to another poll?—A. I don't think they did. I took the wagon road and all that I could and

took them to another poll ; those that I could not take away from there did not come to Biggin's Church.

Q. Then a large number of Democrats were deprived of their votes by this Republican fraud ?—A. I won't say there was a large number, but I heard some say they wouldn't go to any other poll.

Q. Have you lived many years in the county ?—A. All my life.

Q. Have you lived amongst the negroes ?—A. I have not lived amongst them, but have lived in the county with them.

(All of the above testimony objected to by contestant on the ground that there is nothing in the answer of contestee which refers to any such matters.

The counsel for contestee submits in reply that, as a mode of Republican intimidation of Democrats, it is within the scope of the answer of contestee.)

Q. You have lived long enough among the negroes to know the negro character ?—A. Yes, sir; I know it pretty well.

Q. Are the negroes, as a rule, willing to vote the Democratic ticket openly ?—A. No, sir.

Q. Why not ?—A. They are afraid of the other negroes; they threaten them with turning them out of the church, and their wives with leaving them if they vote the ticket, and several other reasons why they object to vote it openly ; there are a great many who have been willing to vote the Democratic ticket providing the Republicans don't know it ; they think if they vote it openly the Republicans may know it.

Q. Have these remarks and threats been very general for years, or not ?—A. I think it was in 1876 that I heard any threats at all; the election of Hampton.

Q. You say their wives threatened to leave them ?—A. Yes, sir.

Q. Is it common or uncommon among their women to participate in this political intimidation ?—A. Very common in my neighborhood ; they are the strongest politicians we have up there.

Q. You went afterwards to Biggins Church ?—A. Yes, sir.

Q. About what time of day you got over there ?—A. About half past two o'clock.

Q. Was the election there conducted with any fraud ?—A. No fraud that I saw ; everything was conducted quietly.

Q. Were you in a position to see ?—A. Yes, sir.

Q. Everything was fair and according to law ?—A. Yes, sir; as far as I could see, until they commenced counting the votes.

Q. Was there satisfaction or dissatisfaction among the Republicans in the country in regard to the Republican ticket ?—A. There was great dissatisfaction ; I heard some say they were going to scratch it.

Q. In public opinion was it not generally thought bad ?—A. That is what I heard the people say.

Q. In public opinion was it not a stench in the nostrils of the people around here ?—A. Yes, sir; that is what I hear around here.

Cross-examination by E. W. M. MACKEY, contestant:

Q. The majority of the people around you, who expressed the opinion testified to by you, were Democrats, were they not ?—A. What opinion do you mean ?

Q. When you answered in reply to the question of counsel that the ticket was a stench in the nostrils of a majority of the people around you ?—A. It was commonly Democrats; all said so; the majority of Republicans around me said so; some of the colored men who had been Republicans before that, though they had voted the Democratic ticket.

Q. At what poll did these Republicans that expressed these opinions to you vote?—A. Some voted at Black Oak, and a few I know voted at Biggins Church.

Q. But most of them voted at Black Oak?—A. Yes, sir; the Democrats voted mostly at Biggins Church, but the Republicans at Black Oak.

Q. But did not most of these colored men that expressed this opinion to you about the Republican ticket vote at Black Oak?—A. Yes, sir, at Black Oak.

Q. What was it that McConnelly said at Black Oak that made some of the Democrats go to another poll?—A. He said he didn't think the election was managed legally or lawfully. I was not in there when he first spoke of it; what I understood after getting there was that he claimed that the votes were not legal that were cast there, because there was no sworn clerk.

Q. Up to that time were not nearly all the votes cast there Republican votes?—A. Yes, sir; nearly all.

Q. Has not that poll at Black Oak always been a strong Republican poll?—A. Yes, sir.

Q. Has it not been always one of Mr. Bowen's strongholds?—A. Yes, sir; I think he always had a majority there and a pretty large one.

Q. Were not all the managers at Black Oak Democrats?—A. I think they were.

Q. Were either the managers or voters intimidated by anything McConnelly said?—A. They only thought their vote would be thrown away if they cast it there.

Q. So that they preferred to go to another poll?—A. Yes, sir.

Q. So far as you know they mostly went to another poll?—A. So far did.

Q. As far as you know there may have been a very large Democratic vote cast there?—A. The most that was cast there was cast there this election. The most of them that voted at Black Oak went this time to Biggins Church and voted who had previously voted the Democrat ticket.

Q. Did you remain at Biggins Church to see the count?—A. Yes, sir, until the whole was closed up.

Q. You said there was no objection until the count; what do you mean?—A. They had to draw some of the votes out, and he objected to one of the managers drawing them.

Q. What did he want done?—A. He wanted so many Republicans and so many Democratic votes taken out; he said they could distinguish them; he wanted so many of each taken out with counting the vote.

Q. Was not the objections raised by McConnelly at Black Oak based upon the assumption that the managers were administering the wrong oath to the voters?—A. No, sir.

Q. You are certain that was not it?—A. I am certain that was not it; there is one thing more I can say: there was a wagon and cart that had driven up there with men in them, and he knew they were Democrats, and it was then that he raised this objection; there was no objection raised until they had nearly all got through voting.

Q. You are positive that his objection was not based upon the assumption that the wrong oath was being administered to the voters?—A. I am positive about that.

Q. But that one of the managers had no right to act as clerk?—A. Yes, sir; or that there was no sworn clerk, and that one of the managers had no right acting as clerk; there was no sworn clerk there.

Q. You stated that several Republicans said that they intended to scratch the ticket?—A. Yes, sir; they said that if they voted at all they would scratch it.

Q. Did they tell you what names they intended to scratch?—A. There was two or three names mentioned that they were going to scratch.

Q. Candidate for what office?—A. One was candidate for school commissioner, and other one was for member of Congress.

Q. Can you tell the names of those men who told you that they intended to scratch the Republican ticket?—A. I could do it, but I don't care to tell.

(Contestant insists upon the question being answered.

Counsel for contestee advises the witness to refuse to break political confidence.)

Q. Do you know whether or not they did what they said they would?—A. No, sir; I cannot say. I did not see them put the tickets in.

In reply by G. R. WALKER, counsel for contestee:

Q. Do I understand you to say that Black Oak was one of Mr. Bowen's strongholds?—A. Yes, sir.

Q. Was it regarded as one of Mr. Mackey's strongholds?—A. No, sir.

Q. Mr. Mackey and Mr. Bowen were opposed to each other?—A. Yes, sir.

Q. And one of the objections was that Mr. Mackey's name was on the ticket?—A. Yes, sir.

Q. The Republican majority referred to, given at Black Oak among Bowen's men, I understand you to say is not positive proof of the majority that Mr. Mackey got, who the negroes were opposed to?

(Objected to, as the witness is not testifying to the inference in the question.)

A. No, sir.

Q. Those inferences are nevertheless the truth?—A. Yes, sir.

Q. And are correctly drawn from your previous statements?—A. Yes, sir.

(Contestant claims the right to interrogate witness in regard to the answers made to the last interrogatories, because the matter is entirely new.

Counsel for contestee denying the right, nevertheless, as a matter of courtesy, accords it.)

Questions by E. W. M. MACKEY, contestee:

Q. Was the Republican vote at Black Oak any smaller at this election than at any previous election?—A. I don't know what the vote was at this election.

Q. Did these Republicans at Black Oak who expressed dissatisfaction with the nomination of Mr. Mackey vote the Democratic ticket?—A. I know some of them did, but I don't know how most of them voted; a good many, I am satisfied, voted the Democratic ticket if they voted at all; they expressed themselves in that way.

Q. About how many Republicans expressed themselves in this way to you?—A. I cannot tell.

(Counsel for contestee objects, as the witness has not been examined about the statements of persons to witness by counsel for contestee; that was matter brought out by the contestant; contestee has simply asked the witness as to inferences to be drawn from his statements upon the cross-examination, and contestant clearly has no right to cross-examine the witness as to statements of other parties which he himself has in-

serted into the testimony without a single question from the counsel for contestee.)

Q. Do you know whether or not Mr. Mackey ran ahead of the Republican ticket at Black Oak?—A. No, sir. I don't know anything about the vote at Black Oak. I left there before the votes were counted.

Deposition of Phillip Weathers.

CHARLESTON, October 15th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County:

PHILLIP WEATHERS (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your residence.—Answer. Bonneau's Station, North-eastern Railroad.

Q. What is your occupation?—A. I have a turpentine distillery, and I am a farmer.

Q. Are you a native of this State?—A. Yes, sir; I was born and raised 15 miles from that place.

Q. Did you take any part in the election of 1878?—A. Nothing more than voting.

Q. You held no position?—A. No, sir; no office, but I was supervisor at Black Oak.

Q. Democratic supervisor?—A. Yes, sir.

Q. Was the Republican supervisor there, McConnelly?—A. Yes, sir.

Q. Will you state how the election was conducted and what transpired?—A. I was there before the polls were opened; it went on quietly until 11 or 12 o'clock; then McConnelly raised some objections about one of the managers being clerk of the election. He said that it would not be legal, that the box would have to be thrown out; and there was right smart talk about it. A good many did not vote on that account; some did keep on voting; as it was, a good many went off to different places.

Q. Did you hear McConnelly object to the form of oath which was being submitted to the voters?—A. No, sir; he didn't do anything like that, I don't think.

Q. You know anything else in connection with the election at Black Oak?—A. No, sir. When they closed the polls there neither of the managers wanted to come down to town with the box. I told them I was obliged to come myself and would bring it, and they agreed for me to bring the box. McConnelly said that it was not lawful for me to bring it. I told him I did not want to bring it, but if they gave it to me I would bring it as safe as they would.

Q. Was the election fairly and squarely conducted there?—A. All was carried on fairly as far as I saw, except, as I said, a great many didn't vote there; a great many colored people didn't vote. I believe there were a great many that didn't vote there.

Q. What deterred them from voting?—A. Only from what he said, that the box would be thrown out.

Q. Was McConnelly's manner violent?—A. No, sir, I don't think so; he talked very pleasantly about it.

Q. Was he authoritative?—A. I suppose so.

Q. Was his manner, I mean, authoritative?—A. Yes, sir.

Q. Were you at any other polls?—A. No, sir; I was there all day; there were other polls around about, about 9 or 10 miles from there the nearest.

Q. Was there any intimidations upon the colored people by the Republicans?—A. Very little, if any; I don't think there was any.

Q. You don't know anything about Black Oak except that the election was fair?—A. It was fair right there; a good many went off from there, but whether they voted I don't know.

Q. Who were these that went off, colored people?—A. Some were colored, but most of the white folks went off.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Had these people who went off wanted to voted at your poll, could they not have done so?—A. They could have voted, but they did not want to have their votes thrown away. McConnelly told them that the box would have to be thrown out.

Q. Did the managers pay any regard to what McConnelly said?—A. Not much; there was a little stoppage of the voting for a while, but it afterwards went on and kept up until night.

Q. Were not all the managers Democrats?—A. Yes, sir; I guess so.

Q. Did any of these men who went off offer to vote at your poll?—A. No, sir, I don't think they did; they could have voted if they had of.

Q. They simply went off on account of this remark of McConnelly?—A. Yes, sir; they thought their votes would be thrown out.

Q. Did not the Republicans have a large majority at that poll?—A. Yes, sir.

Q. Very few Democratic votes cast at that poll?—A. Yes, sir.

Q. Has it not always been a Republican stronghold?—A. Yes, sir.

Q. Are there many Democrats living in that vicinity?—A. Not right around there; there are not a great many. I don't know how many, but not a very great many.

Deposition of Charles I. Macbeth.

CHARLESTON, October 16th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

CHARLES I. MACBETH (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. What is your profession?—Answer. At present planter.

Q. What is your relationship to Mr. Charles Macbeth, who was so many continuous terms mayor of Charlestou?—A. Son.

Q. Are you a school trustee?—A. Yes, sir.

Q. Where do you plant and what do you plant?—A. Rice and cotton. I plant in St. John's, Berkley, three or three and a half miles from the Northeastern Railroad.

Q. Where were you on election day in the national election of 1878?—A. I was at Pineopolis.

Q. What were you doing there?—A. I was supervisor at Pineopolis poll.

Q. You were the United States supervisor at Pineopolis poll?—A. Yes, sir.

Q. Did you witness the conduct of the whole election?—A. I did.

Q. Was the box publicly exposed inside and out prior to the opening of the poll?—A. It was.

Q. You saw it exposed immediately prior to the opening of the poll?—A. I did; that was my business.

Q. Did you see the box locked?—A. Yes, sir; I saw the box locked.

Q. Did you see the box unlocked in the evening?—A. I did.

Q. Did the count and the drawing out of the excess in the evening?—A. I saw the whole proceeding.

Q. Did you see any fraud?—A. No, sir.

Q. Was any act done on the part of the managers to affect the result of the election?—A. None at all.

Q. Was the count strictly in accordance with the law and the instructions received by you as supervisor?—A. Yes.

Q. Who drew out the excess?—A. Mr. Morris Mott, one of the managers, drew out the excess.

Q. Everything was fairly conducted?—A. As far as I could see.

Q. What was the Republican vote at Pineopolis in 1876?—A. I don't think they were many; in fact, I know there was but one Republican vote polled there.

Q. What was the Republican vote at Pineopolis in 1878?—A. I don't remember exactly; between 150 and 160.

Q. Has Pineopolis been a Democratic or Republican stronghold?—A. Always Democratic for years past.

Q. Are the Pineopolis negroes usually Democrats or Republicans?—A. They most invariably voted the Democratic ticket.

Q. Now, please state how it was that in the election of 1876 there was but one Republican vote, and in the election of 1878 there was 150 or 160 Republican votes.—A. I believe that the excess in Republican ballots came from the fact that parties came from other polls and came to the Pineopolis poll and voted, and then retired with the intention of repeating at other polls.

Q. You say parties; whom do you mean?—A. I mean Republicans.

Q. Were these repeaters whites or negroes?—A. These parties that I supposed intended to repeat were negroes.

Q. Do I understand you to say that they were not the true voters of Pineopolis?—A. I have been acquainted with Pineopolis poll for some time, and these parties that I speak of I have never seen there before, and I know the majority have been in the habit of voting at Biggin Church, 7 miles off.

Q. A voter at Pineopolis desiring to repeat would find no great difficulty in so doing?—A. Very little difficulty.

Q. Pineopolis is the summer resort of the planters?—A. Yes, sir.

Q. Do the negroes in Pineopolis have reason to anticipate difficulty or ill-usage from the negro masses from voting the Democratic ticket?—A. Personal ill-usage?

Q. Any kind?—A. They had a right to expect ill-usage.

Q. Why ill-usage? Upon what do you base your opinion that they would receive ill-usage?—A. From statements made by themselves; many of them told me that they didn't dare vote the Democratic ticket, because, if they did, they were cut short from their acquaintances and from their societies; in other words, if they voted the Democratic ticket, they would be ostracised and turned out of their churches.

Q. Was this the general belief among the Democratic negroes?—A. Very general.

Q. Would the presence of 156 negro voters of the Republican party from other polls tend to increase or decrease the timidity of the negro

Democrat?—A. I believe that parties who would have voted the Democratic ticket did not, because they were deterred from voting from the number of Republican voters that were present.

Q. Would those that voted the Democratic ticket be likely to do so openly or not?—A. Some would and some would not.

Q. Would the majority be likely to vote a large Democratic ticket publicly in preference to a small ticket?—A. I cannot say.

Q. Is it more or less easy for the negro population to repeat than the whites?—A. Much easier for the negroes, for they cannot be identified.

Q. Did you see many Republican tickets doubled up?—A. Yes; several.

Q. Did you see many Republicans intending to repeat?—A. Not at that poll.

Q. What reasons have you to believe that they had repeated at other polls?—A. About 9 o'clock in the morning this immense amount of Republican voters that were challenged at that poll excited my attention, and in consultation with Thomas Wallace, the Republican supervisor, we decided, for the purpose of carrying on the election fairly, that the managers at Biggin's Church should be notified of the fact of the parties that had voted at Pineopolis, and we took from the poll-list and copied off some 40 names, I think, and sent them to the managers at Biggin Church, to notify them that these parties had voted at Pineopolis poll. The messenger got ahead of them, and they did not vote, as far as I know.

Q. You don't know whether they voted at any other poll or not?—A. I don't know; but they may have had the chance to go to the poll 10 miles south of Pineopolis, called Cooper's Store.

Q. Did you make a supervisor's report?—A. I did.

Q. And Wallace signed it?—A. Cheerfully.

Q. Was he present while the votes were being counted?—A. All the time.

Q. Did he make any effort to leave?—A. He attempted to leave while the votes were being counted, and I told him he must not go. He said he was too cold, and must go to the fire. I told him he could stand just as much cold as I could, and that he should stand there and see the ballots counted, as I intended to have everything done fairly. He expressed himself then and there as being perfectly satisfied with the fairness of the election, and went outside, in the presence of a large number of witnesses, the majority of them Republicans, who asked him what was the result of the election, and I heard it myself, when he said that the Democrats had won by a small majority. He was asked whether it was fair, and he replied that it was all right; it was all fair.

Cross-examination by E. W. M. MACKEY, contestant:

Q. For whom did you vote for Congress?—A. For Mr. M. P. O'Connor. I voted the straight Democratic ticket.

Q. Were you not the Democratic supervisor at that poll?—A. I was a Democrat, and I received an appointment as supervisor. I did not regard myself as either Democrat or Republican. I was supervisor.

Q. Were you not appointed to act as a Democratic supervisor at that poll?—A. No, sir; I was appointed to see that the election was carried on fairly.

Q. When the poll was closed, and the votes counted, did not the number of ballots in the box exceed the number of names on the poll list?—A. Yes, sir.

Q. By how many?—A. I declare I forgot, it is so long ago. I think about 70, 72, or 73; but I forgot the exact number.

Q. Were any small Democratic tissue tickets found in the box?—A. Yes, sir.

Q. Were any Republican tissue tickets found in the box?—A. Not that I know of; I am not prepared to swear to that; I don't remember seeing any.

Q. You saw none?—A. I did not.

Q. When was the poll at Pineopolis first established?—A. I think the poll was established in 1876.

Q. Were not the Republicans who were present at the Pineopolis poll at the last election voters from Biggins' Church?—A. I believe they were from Biggins' Church, and that other poll I designated just now.

Q. How far is Pineopolis from Biggins' Church?—A. About 7 miles.

Q. How far is Pineopolis from Black Oak?—A. About 6 miles.

Q. Did not the Democrats have challengers at Pineopolis poll?—A. No, sir; none that I am aware of.

Q. Don't you know that the whole vote at Biggins' Church this election was smaller than at the election of 1876?—A. I don't know; I never have looked at the returns. This matter is about a year ago, and I dismissed it from my mind, and never thought of looking at it since until I received a summons to attend this court.

Q. Do you know of any case of repeating that occurred at your poll at the last election?—A. I do not.

Q. What you have testified, therefore, in regard to repeating is simply based upon supposition?—A. I have not said as yet, in my testimony, that I knew of any repeating; what I said is simply this: That from the large amount of Republican voters at Pineopolis poll, which has always been a strong Democratic poll, and from the fact that I knew these parties came from other polls, that there would be apt to be repeating; so much so that, in consultation with Thomas Wallace, the other United States supervisor, we decided to send down to notify the managers at Biggins Church. The messenger that we sent there got there before these parties reached there, and in this way stopped what we supposed would be intended repeating.

Q. Was not Wallace the Republican supervisor at Pineopolis?—A. He was appointed on the part of the Republicans, and he was a very decent negro too.

Q. You have testified in regard to ostracism amongst the negroes towards those who voted the Democratic ticket?—A. Yes, sir.

Q. Is there not considerable ostracism also exercised by the whites toward those who vote the Republican ticket?—A. You see a case of that sort has not risen, not that I know of.

Q. When did you first see the small Democratic tissue ticket?—A. I saw them the light before the election. I did not regard the matter as of any consequence, and gave them to the children in the house to play with, and from that time to this I don't know where they are; those that I received never left my house that I know of.

Q. Were these tickets sent to you?—A. Of course they were sent to me, but who sent them or where they came from I don't know. I am in the habit at that season of the year of getting home at late candle-light, and when I got home I found these things on the mantelpiece where my letters are put. I looked at them and laughed, and gave them to the children to play with. I never saw them since.

Q. Did you receive them in a letter coming out of the post-office?—A. I found them in an envelope.

Q. You cannot say whether that envelope came to you through the post-office or not?—A. I cannot.

Q. But you say you found it amongst your mail?—A. I suppose it came through the mail, but I don't know.

Q. What did you do with those tickets?—A. I do not know. I left them in the house, and the chances are that the children took them and played with them as playthings. On getting to the poll in the morning there were plenty of tickets there, and I saw no necessity of sending for these tickets; the polls were about 50 yards from my house.

Q. When you went to the polls in the morning, did you see any tissue tickets there?—A. In the morning, no; only two I saw during the day until the box was opened in the evening; when I saw them I thought there had been illegal voting, both on the part of the Republicans and the Democrats.

Q. How did you arrive at that opinion, that there had been illegal voting on the part of the Republicans and Democrats?—A. Because I saw that when the tickets were taken from the box they were doubled together. I saw one Republican ticket taken from the box and three Republican tickets drop from that fold; that is the way I said there had been illegal voting.

Q. Did that occur with the Republican tickets more than once?—A. I think I noticed it on four occasions.

Q. Large Republican tickets falling out of tickets of the same size?—A. Yes, sir; you can understand how the thing could be done without being detected.

Q. Did you see any tissue tickets fall outside of any large Democratic tickets?—A. I did not.

Q. Did you see any Democratic tickets folded together?—A. Large Democratic tickets?

Q. Yes.—A. No.

Q. May not those Republican tickets which you saw fall out of others have fallen into the fold of the voters' tickets after they had been dropped into the box?—A. No, sir.

Q. Were those tickets counted?—A. Which?

Q. The large Republican tickets found in the fold of other large Republican tickets?—A. They counted them all.

In reply by M. P. O'CONNOR, contestee:

Q. You say you know very well more Republican votes were cast at Pineopolis poll than the Republicans were entitled to?—A. I do.

Q. You said in your cross-examination you attributed the excess of votes over the poll-list to illegal voting by Republicans and Democrats?—A. I do.

Q. What illegal voting do you know of by the Democrats?—A. It was an undoubted fact that there were double tickets on the part of the Democrats, and double tickets on the part of the Republicans.

Q. How many double tickets for the Democrats?—A. I noticed the Republican tickets from the fact they were large tickets, and I saw them dropping out of the fold; the Democratic tickets, they were tissue tickets folded into large tickets; I think the largest number I saw folded into one ticket was five.

Q. Did you destroy those that you found folded together?—A. No.

Q. Did they fall out as you described the Republican tickets?—A. Only in one instance I saw them fall out. I don't mean to convey the idea that there were not some in the folding; that was the difficulty in destroying the tickets; we didn't know what to do.

Q. Did you examine those that you saw the Democratic tissue tickets fall out—did you examine to see what tickets they were?—A. In that one case I did.

Q. About how many of those folded Democratic tickets did you see ?—A. I cannot tell.

Q. About how many double tickets did you see ?—A. I will not pretend to say how many I saw. I did not pretend to count them.

Q. Did you inspect particularly to see if these double tickets were folded up in Republican or Democratic ballots ?—A. I did not.

Deposition of Thomas M. Holmes.

CHARLESTON, October 29th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County :

THOMAS M. HOLMES (colored), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee :

Question. State your age, residence, and occupation —Answer. I am 68; reside at No. 2 Liberty street, city of Charleston; I am doing nothing at present; I used to be employed in the custom-house.

Q. Are you a Republican in politics ?—A. Yes, sir; I used to be.

Q. For whom did you vote for Congress ?—A. For M. P. O'Connor.

Q. In voting for him you did not consider yourself renouncing your allegiance to the Republican party ?—A. No, sir; nobody can say in the city that I ever said I was a Democrat.

Q. I want you to testify, if you know it, whether there were a great number of colored people, who were Republicans, that voted for M. P. O'Connor for Congress ?—A. If they voted as they said, a great number did.

Q. They professed to have voted for Mr. O'Connor from personal preference, not from party bias ?—A. That was what I understood.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Where were you on the day of election ?—A. I went to my poll in ward 4 and voted, and went to about 3 or more polls during the day.

Q. Could you see at any of those polls how anybody else voted except yourself ?—A. No, sir.

Q. Stephen Hayne stated in his testimony that you abandoned the Republican party because you were opposed to the nomination of Mr. Mackey for Congress ?—A. I deny that; I emphatically deny that, if so stated.

Q. Were you not the president of a colored Democratic club in the last campaign ?—A. I was president of that club in 1877, during the municipal campaign, but resigned before the election of 1878, upon a request being made to me that I should resign.

Q. Did you not parade as a member of that club during the campaign of 1878 ?—A. I did.

Q. In voting for Mr. O'Connor, did you simply vote for him alone, or vote for the whole Democratic ticket ?—A. I voted for part of both. I didn't vote the whole ticket. I voted for Mr. O'Connor, and divided the others. I voted a mixed ticket.

Q. Did you take a Democratic ticket and scratch it, and insert some Republican names, or did you write your ticket ?—A. I took a Democratic ticket and scratched some of the names; it was not a Democratic ticket either, but it was a ticket got up by Mr. Perry, with so many Republicans and so many Democrats on it, so as to get Mr. Perry and Mr.

Bust in the legislature. Mr. Perry was anxious to get in, so he got up this ticket.

Q. The Mr. Perry who got up this ticket, was he not a candidate on the Democratic ticket?—A. He was.

Q. Were you not formerly an officer in the custom house?—A. Yes, sir.

Q. Were you not removed, and, if so, when?—A. I cannot tell that.

Q. Did you attribute at any time your removal to Mr. Mackey?—A. No, sir.

Q. At the time of the last election, or at any time during the campaign preceding that election, were you an adherent of what is known as the Bowen faction?—A. I didn't take any part in it at all. I never went to a meeting or had anything to do with it.

Q. Do I understand you to say that you took no active part all in the last campaign or election?—A. I took no active part. I voted. I am free to say that if I could have got anybody to vote for Mr. O'Connor I would have got them to do it.

Q. Was your support of Mr. O'Connor in any way influenced by the fact that, as a friend of Mr. Bowen's, you could not vote for Mr. Mackey?—A. No, sir. Mr. Bowen had nothing to do with it.

Q. Did you not conclude to support Mr. O'Connor long before the Republicans had made any nominations?—A. I did.

Q. During the campaign preceding the election did you converse with many colored persons as to how they intended to vote in the election?—A. Well, yes, sir; not a great number, but the most of my acquaintances. I never was an extreme politician, but it was no secret of my intending to vote for Mr. O'Connor.

Q. Did you not vote for Mr. O'Connor when he was a candidate in 1876 against R. H. Cain?—A. Yes, sir; I did.

Q. Have you ever suffered any social ostracism amongst your people because of your having voted for Mr. O'Connor?—A. I think I have.

Q. To what extent?—A. No great deal; nothing to make me care about it.

Q. Have any of your associates or church people refused to associate with you on that account?—A. No, sir, not that I could discern; no one. No one of respectable acquaintances made the least difference with me. I think one or two men about the community stopped speaking to me, but I did not consider them my associates, but they were fellow Republicans.

Q. Is it not a very common thing in South Carolina for Democrats also to refuse to speak to persons who vote contrary to their wishes?—A. Yes, sir.

Q. Have any threats of personal injury been made against you because of your having voted as you wished?—A. Not to my knowledge. I never heard of it.

Q. Have you not always been very independent in the manner in which you voted?—A. I was so. I always was. I never really voted a whole out and out ticket for either party very often.

Q. You never have been bound very closely by party ties?—A. I never would stick to everything that was laid down for me; some things I couldn't go.

Q. Did the fact that the two wings of the Republican party in this county united in 1876 disgust you with the Republican party?—A. No, sir.

In reply to M. P. O'CONNOR, contestee:

Q. Did your Republican friends regard you as a deserter from the Re-

publican party because you voted for M. P. O'Connor for Congress?—A. If they did, it is beyond my knowledge. I never had any of them to tell me anything of the kind. I think there were one or two colored people that passed me and did not speak to me; but that was really a relief.

Q. And you are still a Republican?—A. Yes, sir.

Deposition of R. T. Morrison, jr.

CHARLESTON, November 4th 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County:

R. T. MORRISON, Jr. (white), a witness of legal age, produced by contestee, upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Q. State your age, residence, and occupation?—Answer. I am living at McClellanville, Charleston County; my age is 38; occupation, farmer.

Q. Did you take any part in the election of 1878 officially?—A. I was one of the managers at the 32-Miles House precinct.

Q. Who were your associates?—A. Hibben Leland and —— Sullivan. I don't know his initials.

Q. Who was the Republican supervisor?—A. I. I. Young.

Q. A black man?—A. A mustee man, a young man.

Q. Who was the Democratic supervisor?—A. L. B. McClelland.

Q. Were any United States deputy marshals at that poll?—A. No, sir; not to my knowledge; but there were constables there.

Q. Was the poll opened punctually at 6 o'clock?—A. It was.

Q. And closed punctually at 6 o'clock in the evening?—A. It was.

Q. Did you expose the box to the outsiders to see if it was empty?—A. Yes, sir; before we opened the poll we done so.

Q. Was the election conducted fairly and impartially by the managers?—A. Yes, sir; perfectly so.

Q. Was any protest filed with you against the fairness and impartiality of the election?—A. There was none.

Q. Was any complaint made to the board of managers of which you was chairman about any unfairness in the conduct of the election?—A. There was none.

Q. Did the Republican supervisor make none?—A. No, sir; he did not; he was so satisfied he said he saw nothing unfair; he made that statement to the whole board before he left.

Q. Did he join the Democratic supervisor in making a return of the result of the election to the chief supervisor, Mr. Poinier, in Charleston?—A. The two supervisors, as well as I remember, joined together in making their report.

Q. Was any man's vote refused or rejected that day; I mean without cause arbitrarily or capriciously kept from voting?—A. I think one or two I objected to on account of age.

Q. Those one or two objected to, were they not objected to in the usual form of challenging voters?—A. They were.

Q. And was it shown to the satisfaction of the managers that these parties whose votes were rejected were not of age?—A. Yes, sir.

Q. And that they were not qualified to vote, and they decided to reject those two voters?—A. I think there was only one that did not vote.

Q. There were two challenged for being under age?—A. I cannot remember exactly; there may have been two or three challenged, but I am positive only of one being rejected on that account.

Q. Were the ballots voted at that poll voted folded or open?—A. Voted folded.

Q. Did many colored people vote the Democratic ticket at that poll in that election?—A. I suppose so, but I couldn't say because they voted their tickets folded.

Q. Did you hear any colored people say, prior to the election or on the election day, that they were going to vote the Democratic ticket?—A. I did.

Q. Any number of them?—A. Several of them.

Q. Did you hear any of the colored people say after the election that they had voted the Democratic ticket?—A. Yes, sir.

Q. Many of them?—A. I have not spoken to many of them.

Q. But those you did speak to said so?—A. Yes, sir.

Q. Did the colored people hold their tickets up when they voted or did they come up to the box cautiously?—A. Some did and some did not; when they held them up open I made them fold them up; some came with them folded up.

Q. Did you remain at the poll all day?—A. I did, at the box.

Q. And you are satisfied that no man tampered with the box that day?—A. No one; there was no disposition shown by any one to tamper with the box.

Q. Were the Democrats active at that poll in the last election?—A. I don't know.

Q. I mean working for their party to bring out the whole vote?—A. Yes, sir; just the same as they always had been.

Q. They were not unusually so?—A. No more than usual.

Q. Not more active than they were in 1876?—A. No, sir; I don't think so.

Q. Did any colored people tell you they voted the Democratic ticket, and did they admonish you not to disclose it, from fear of future consequences from their companions?—A. No, sir.

Q. Nothing of that kind was said to you?—A. No, sir; that is, you mean after the election.

Q. After, before, or at any time?—A. I heard them speak that many more would have voted the Democratic ticket if they were not fearful, but I could not specify any number.

Q. But you are certain they said that?—A. Yes, sir. I have had them repeatedly to speak to me.

Q. When you closed the poll at 6 o'clock, did you proceed at once to count the votes?—A. Yes, sir; at once.

Q. Was the count conducted fairly and squarely?—A. It was, and in accordance with the instructions.

Q. Did you follow strictly the instructions that were enclosed to you by the election commissioners?—A. We did.

Q. Was there an excess of votes in the ballot-box over the poll-list?—A. There were.

Q. How many poll-lists were kept at this poll?—A. Three.

Q. And there was an excess of ballots over the poll-lists?—A. There was.

Q. What did they amount to?—A. I could not be positive to the amount, it is so long, but I made a statement in the returns.

Q. Who drew out the excess?—A. Captain Leland.

Q. Did he draw them out fairly, without seeing what he was doing?—A. He did.

Q. What was done with the tickets drawn out?—A. Immediately destroyed in the presence of all.

Q. What proportion of tickets drawn out were Democratic and what proportion were Republican?—A. I cannot state; they were immediately destroyed by me.

Q. Did anybody examine those tickets?—A. Not to my knowledge.

Q. From your experience in your section of country, would a colored man be perfectly safe in professing himself a Democrat, and voting the Democratic ticket, as against the volition and opposition of his own race?—A. No, sir.

Q. Then the party spirit on the part of the Republicans had been very intolerable?—A. Very.

Q. Did you find any tickets in the box when you were taking them out with two or three more tickets folded in one?—A. No, sir.

Q. Were the tickets in the box all folded up, as a general thing?—A. They were.

Q. Was it possible for any one to ascertain what proportion of those votes drawn out of that box were Mackey's votes, and what proportion were O'Connor's votes?—A. No, sir.

Q. Did you remain there until the close of the count?—A. I did.

Q. Did the Republican supervisor remain there all the time?—A. He did until the count finished.

Q. The Republican supervisor did?—A. Yes, sir; so that he could get his returns; nothing more could be done then but to make out our returns.

Q. Is there anything else you would like to state on the direct examination that I might have omitted bearing upon this election? You have heard this charge made by Mr. Mackey as against me. I wish you would state anything you may know for my benefit.—A. None whatever; the statement states that the managers drew out so many votes for Mr. Mackey and left so many for you. I deny that the managers drew out so many votes, and the drawing was conducted before the Republican and Democratic supervisors, and no man made any objection there, so much so, that the Republican supervisor, to the whole board, made the remark that everything was conducted fairly and squarely.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Were not all three of the managers at that poll Democrats?—A. They were.

Q. Can you remember the amount of excess of votes were found in the ballot-box?—A. I cannot.

Q. Was it several hundred?—A. I think it was two or three hundred, but cannot recollect the excess.

Q. How many different kinds of tickets were found in the ballot-box?—A. I think there were three kinds.

Q. Were not the Democratic tissue tickets found in your box?—A. They were.

Q. Did not the managers in counting the number of tickets in the box, in order to ascertain the whole number, unfold each vote?—A. I don't remember whether or not each ticket was opened to see them. I don't know whether we could see each ticket or not, or whether they were opened as they were when we were counting for the different parties. I cannot say positively.

Q. When the tickets were first taken out of the box, were any small

tissue tickets found folded within the larger Democratic tickets?—A. There were not, as I know of; the tickets were all separate when they were taken out of the box.

Q. Are you positive that all the tickets that were taken out of the box were folded separately?—A. Folded separately.

Q. Who counted the votes out of the box in the first count?—A. I think it was Mr. Leland counted them out of the box.

Q. Are you positive that Mr. Leland did not first unfold the tickets in the box before taking them out to count them?—A. As far as my knowledge extends he did not.

Q. Could he not have unfolded them in the box without you seeing him?—A. I don't think he could; if he kept his hand in there any time I would have been very apt to have seen him.

Q. Had there been any tissue tickets folded within the larger ones, could he not have dropped them out of the fold before taking the ticket out of the box without your knowing it or seeing it?—A. I don't think he could; it seems to me those questions are a surprise to me. I did not see him do it.

Q. The question is whether he could not have done it without your seeing him?—A. I think not.

Q. Were you in a position to watch all that Mr. Leland were doing?—A. I was.

Q. And you are positive, then, that all the tickets found in the box were folded singly, and none found one within another?—A. I am, as far as I could see.

Q. How do you account for the fact, then, that there were several hundred more tickets in the box than persons who had voted?—A. It is beyond my mind.

Q. You stated that no one tampered with the ballot-box; could more tickets have got into the ballot-box than persons that had voted without some one tampering with the ballot-box?—A. They could.

Q. Were not the large Republican tickets and the large Democratic tickets different in size and in the quality of paper on which they were printed?—A. Very little, if any.

Q. Were not the Democratic tickets longer than the Republican tickets?—A. I cannot be positive of which was which.

Q. Who drew out the excess of votes?—A. Mr. Leland.

Q. When the votes were being drawn out, were they not all unfolded?—A. At the second drawing they were, I am positive about that; they were unfolded as they were counted to see who they were for.

Q. What I mean is, were not the votes in the ballot-box unfolded previous to the excess of votes being drawn out, so that when the excess of votes were drawn out the tickets were lying in the box all unfolded?—A. I answered that before. I said I am not certain whether the tickets were unfolded in the first counting out from the box or not.

Q. Would you like to state positively, on oath, that they were not unfolded?—A. I would not.

Q. Are you positive that the tickets drawn out in excess were not examined as each one was drawn out?—A. I am not.

Q. When did you first see the small Democratic tissue tickets?—A. I saw them the day previous to the election.

Q. Where did you see them?—A. In St. James Santee.

Q. In whose possession were they?—A. They were in the possession of several parties. I saw them generally around.

Q. Do you know who took the ballot-box from the city of Charleston

to St. James Santee previous to the election ; was it you or one of the other managers ?—A. I do not know who it was.

Q. Did you yourself come to the city of Charleston with the ballot-box ?—A. I did not.

Q. Did you see any of the Democratic tissue tickets on the day of election ?—A. I saw them voted.

Q. How many did you see voted ?—A. I cannot say.

Q. About how many ?—A. It is impossible for me to say.

Q. Did you see any white voters vote them ?—A. I did.

Q. Were the tissue tickets found in the box folded or unfolded ?—A. Folded.

Q. Were any of them found in the box unfolded ?—A. Not to my knowledge.

Q. You said that you had heard it spoken frequently that many colored men would vote the Democratic ticket if they were not afraid ?—A. I did hear colored men say so.

Q. About how many colored men have you heard say so ?—A. I wouldn't be positive about the number; general conversation with them and constant speaking with them.

Q. Did they tell you what they were afraid of ?—A. Yes, sir; they said they were afraid of trouble and being molested by their own party, that is the Republicans they were afraid of. I could state things that I have heard occurred. I might most certify they did take place, but I heard it from others, and it would be only hearsay. I heard some say that is the reason they staid away.

Q. How many told you they staid away on that account ?—A. I would not be positive about the number.

Q. Do you think it was two or three ?—A. Two or three, yes.

Q. How many deputy State constables were present at your poll ?—A. The only constable that I know that was present was a trial justice constable. There may have been others appointed, but I don't know.

Q. What induced the Republican supervisor to say that he was perfectly satisfied with the counting of the votes, and the manner in which the election was conducted ?—A. The manner in which it was conducted induced him to say so, because it was conducted in a proper manner.

Q. Before he said this had there been any previous conversation between him and the managers ?—A. In regard to what ?

Q. To the matter stated ?—A. None, whatever, that I know of. He then volunteered this statement, as I understand, without any previous conversation being held between him and the managers. It was said right off hand.

Q. Did he have nothing to say when it was ascertained that the number of ballots were largely in excess of the number of voters ?—A. He made some remark about the excess. He spoke about the box being a self-raising box ; he made that remark.

Q. When he was asked what he meant did he not say "I mean the tickets are growing here very fast," or something to that effect ?—A. Not to my knowledge did he make any such remark.

Q. Not to your knowledge or recollection ?—A. Not to my knowledge ; he just made that remark, and we all laughed over it.

Q. Did the Republican supervisor object to anything that occurred there during the whole day, either during the election or count ?—A. He did not.

Q. Are you positive ?—A. I am.

Q. Was the election conducted quietly ?—A. It was.

Q. Was there no disturbance around the poll?—A. There was none there except after counting up the ballots some words passed outside amongst the voters, and then amongst the voters after everything was done.

Q. Was not what you heard outside expressions of dissatisfaction as to the manner in which the count was conducted?—A. I heard of that conversation but was not present. The managers knew nothing of the same until we had broke up and was going home and had sealed up everything.

Q. During the election did any voter attempt to intimidate another voter as to the ticket which he should vote or wanted to vote?—A. I saw none at the poll. You mean during the voting while I was a manager there?

Q. Of course?—A. I saw nothing of that kind while I was a manager; if there was, I knew nothing about it.

Q. Do you know of your own knowledge of any colored man voting the Democratic ticket at that poll, that is, did you see any vote it?—A. I did.

Q. How many colored men did you see vote the Democratic ticket?—A. I cannot say.

Q. Did you see three or four?—A. I cannot state that fact at all.

Q. Can you give any idea of the number that you saw vote the Democratic ticket?—A. The votes were all folded and therefore I cannot say who voted the Democratic ticket without authority.

Q. If their tickets were folded how do you know any voted the Democratic ticket?—A. Some came there and showed their tickets and folded them.

Q. How many did that?—A. That is the number I cannot be positive about; there were a great many voting all day, and it would be impossible for me to say.

Q. Was it a large or small number?—A. I could not say there was a very large number that I saw fold their tickets and put them in; we had the tickets on the table and some would come and take them off the table, and then you could tell, because they would take them off before you.

Q. Were the Democratic tickets kept on the table on which the ballot-box was placed?—A. There were some there.

Q. Were any tissue tickets kept on that table?—A. They were not; I did not see any.

Q. Do you think that three or four would cover the number who you saw fold Democratic tickets in your presence and vote them?—A. It may, and it may not.

Q. Can you not recollect the names of the colored men that did this in your presence?—A. I cannot.

Q. Were they known to you?—A. I cannot say, because I do not know that I would know them all.

Q. Would you like to swear that there were more than three or four colored men that folded their tickets in your presence, and voted them?—A. I would not like to swear that. There may not, and may have.

Q. You said some of the colored men came up with their tickets folded, and some with them opened. Now, did not some of the white voters come up with some of their tickets folded and some open?—A. They did.

Q. So that there was nothing peculiar in some of the colored men

coming up with some of their tickets open and some folded?—A. Nothing.

Q. Is it not generally customary for voters to come up to the ballot-box with their tickets folded?—A. I cannot say it is. Some are folded and some are not. I don't know which is customary; seems as if both are.

Q. You said that the voters that were challenged were challenged in the usual form of challenging voters; now what is the usual form of challenging voters?—A. The usual form with us to object to any who we think is under age or disqualification.

Q. Who generally makes it, a manager or an outsider?—A. I have seen it made by an outsider, and the managers either sustained it or not.

Q. How was it proven that these parties that were challenged were under age?—A. We generally took the evidence of their parents, or of some one that knew their age, and judged by that, or some of their former owners.

Q. Are you satisfied that every one at that precinct that was rejected on account of being not of age were under age?—A. I think there were one or two, but I won't be positive about that, as I said before.

Q. Who kept the three poll-lists that were kept at your poll?—A. The two supervisors kept one each, and I don't know the clerk's name that kept the other.

Q. Did each of the supervisors keep a poll-list?—A. They did, and the clerk also.

Q. You stated that party spirit among the Republicans was very intolerant; is it not quite as intolerant among the Democrats?—A. In what way do you mean?

Q. Are not the white voters generally intolerant of another white voter who votes the Republican ticket?—A. They are not to my knowledge. They might have their thinking and thoughts of a white man that votes that way, but not to threaten him.

Q. But don't they get very intolerant towards one of their number who may vote the Republican ticket?—A. It is not so. I know Republicans that voted there that was shaking hands with Democrats, and going right along as they always did.

Q. From your experience of a white Democrat, who has cognizance of his fellow white men, that he has voted the Republican ticket, would not that cause him to feel a hatred or disgust, so as to ostracise him?—A. Not to that extent to ostracise him. I have seen that, and it has been proved to me. I saw a poor white man go and vote the Republican ticket, and he was not even discharged from his employment. I know I have spoken with him many times myself, and other white men around there. We can have our feelings, but we respect our fellow-men.

Q. Is there no ostracism existing on the part of white men towards white men who may vote the Republican ticket?—A. Not to my knowledge.

Q. Do not the colored men who vote the Republican ticket associate with the colored men who vote the Democratic ticket?—A. They do.

Q. So, then, so far as your parish is concerned, there is no ostracism on the part of either party, as far as politics are concerned?—A. I have not seen it after this last election.

In reply by M. P. O'CONNOR, contestee:

Q. Do the Democrats employ Republicans?—A. They do.

Q. They make no difference?—A. They do not.

Q. On account of their politics?—A. They do not.

Q. Would not a colored man who was afraid to vote the Democratic ticket for fear of such consequences as you have described be apt to vote secretly and vote the smallest possible ticket he could find?

(Objected to by contestant as leading and not in reply.)

A. I suppose he would, of course; this is only a supposition of mine.

Q. The tissue ballots, were there any concealment made of them, or were they open in the hands of the Democrats around there?—A. They were not on the table, and I didn't notice that.

Q. Did the Democrats have ralliers there?—A. Oh, yes, sir.

Q. Were they distributing there among the people these small tickets?—A. They were, as I suppose they were there for that. I saw the Democrats voting different size tickets.

Q. Could not a man vote the tissue ticket, and put it in the box without the managers being able to see the ticket that was passed into the box?—A. He could.

Q. Could not a large ticket be voted also without the managers seeing it?—A. I think so.

Q. And would it not have been practicable for any person who designed to do it to vote two or more tickets as one ballot without being discerned by the managers?

(Objected to by E. W. M. Mackey, contestant, as not being in reply.)

A. Yes, sir; very easily.

Q. May not that amount of excess of votes in the ballot-box be accounted for by such very designing persons voting two or more tickets as one ballot?

(Objected to by contestant as being leading.)

A. That is the only way I believe it was done.

Q. Was not the very law which directed the drawing out of this excess passed for the very purpose of eliminating from the ballot-box excessive votes which may have got in there by the very means just stated in your answer?

(Objected to by contestant upon the ground that it is impossible for the witness, who is not a lawyer, to say what is the intent of the law, or what was the intention of the legislature in passing that law.)

A. Those were the reasons that we acted as we did.

Q. And you think those were the reasons the law was passed for?—

A. Yes, sir. I don't think the managers would have done right in drawing out the excess if the law did not grant it.

Deposition of John T. Parker,

CHARLESTON, November 6th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County:

JOHN T. PARKER (colored), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am 30 years of age; live at 46 State street; occupation, drayman.

Q. Did you take any part in the election of 1878, officially?—A. I did.

Q. Were you a member of any club?—A. I was president of a colored Democratic club that I organized myself.

Q. What did you call it?—A. The O'Connor's Democratic Club.

Q. Did you have many members in it?—A. Yes, sir; about 75 colored men.

Q. Were they all colored men?—A. Every one of them.

Q. Where did you work on the day of election?—A. At the town of Moultrieville, Christ Church Parish; they call it Sullivan's Island.

Q. Did you work any in the city?—A. Yes, sir; I was over in the city in the afternoon.

Q. Did you visit any of the polls in the city?—A. Yes, sir.

Q. How many did you visit?—A. I went to nearly all of them—four, five, six, seven, and eight. I not down to the lower polls.

Q. How many colored men did you see vote the Democratic ticket in the city that day?—A. Three or four hundred. Some done it secretly; they were formerly Republicans, and voted the ticket secretly; they didn't like to vote it openly. I saw them when they done it.

Q. Did any colored man tell you that they desired to vote the Democratic ticket, but they would have to do it secretly?—A. Yes, sir; a good many members of my club told me that. They said their friends would discount them, and they didn't care to vote it openly.

Q. What do you mean by discounting?—A. I didn't say discounting; I said they did not like to vote it openly. There were a great many people that would vote the Democratic ticket, but they did not care to vote it openly.

Q. Did you see the tissue ballots used on that day?—A. I never saw one of them.

Q. Had you taken part in many elections previous to the last election?—A. That is the first election that I was interested in. But I don't recollect the year, but it was in the Chamberlain and John T. Green campaign, that time I worked for the Republican party, and voted the regular Republican ticket.

Q. Do you know a great many colored people who had determined to vote the Democratic ticket, in the interest of reform, and in the interest of good government?

(Objected to by contestant as leading.)

A. Yes, sir.

Q. You had opportunities of knowing a large number of colored people in Charleston?—A. Yes, sir. I was born and raised in Charleston, and always had a good deal of interest, being among them always as a member of clubs, and societies, and such like that. I had a good deal of interest in them.

Q. Is there anything else you wish to state that is within your knowledge bearing upon this contest between Mr. Mackey and myself?—A. No, sir; not right now.

Q. You were not present at any poll particularly?—A. No, sir; just went around.

Q. And you acted on the part of the ticket which my name was on?—A. Yes, sir; the Democratic ticket.

Cross-examination by E. W. M. MACKEY, contestant:

Q. In what part of the county or city of Charleston was this Democratic club of which you were president located?—A. In the town of Moultrieville, Sullivan's Island.

Q. Did the 75 colored men who belonged to this club always live at Moultrieville?—A. Yes, sir; on Sullivan's Island.

Q. You had no members from any other part of the county?—A. No other part of the county.

Q. Who was secretary of the club?—A young man by the name of J.S. Fowler; he is in New York now.

Q. Did he keep a roll of the members?—A. He did.

Q. Are you positive that the names of 75 colored men were enrolled as members of that club?—A. Yes, sir, as members, including officers and all.

Q. Did you reside at Moultrieville?—A. Yes, sir; at that time.

Q. You was then in the town of Moultrieville when the polls opened on the day of election?—A. Yes, sir.

Q. How long did you remain there during that day?—A. Until about 4 o'clock in the afternoon. I then left for Charleston on the boat.

Q. It was then about 5 o'clock when you got to Charleston?—A. Yes, sir. It takes three-quarters of an hour for the boat to get over.

Q. Was it during that time that you visited the polls, at four, five, six, seven, and eight?—A. Yes, sir; I had a horse and buggy and rode around.

Q. You had not been to any of those polls at any other time during that day?—A. No, sir.

Q. How many polls in ward 4 did you visit?—A. I visited the Stonewall engine-house in ward 4.

Q. You only visited one of the two polls in ward 4?—A. Yes, sir.

Q. How many polls did you visit in ward 6?—A. One; the Washington engine-house.

Q. You did not go to the other poll in ward 6?—A. No, sir.

Q. Did you remain any time at any of the polls that you visited?—A. About ten or fifteen minutes. I did not have a watch on me. I judged that time.

Q. How many colored you say you saw vote the Democratic ticket in the city of Charleston?—A. I said between three and four hundred; at that time I mentioned, they were crowding the polls; they were flocking in the polls.

Q. Do you know any of these men you saw voting the Democratic ticket—these colored men?—A. Oh, yes, sir; many of them.

Q. How could you tell they were voting the Democratic ticket?—A. Because I stood up and saw them voting.

Q. Stood up at the poll?—A. I stood by the barrier and saw them pick up the Democratic ticket and vote them—the large kind of ticket; the check-back ticket.

Q. Could you get near enough to any of the polls which you visited to see the men deposit their tickets in the box?—A. I was taken inside, of course. I was well known by all of the managers, and being president of my club, going around to see how things were getting along, and bring my reports how we were getting on, they would admit me.

Q. You were admitted behind the railing, then?—A. Up to the railing, of course.

Q. At which one of these polls did you see most of the colored men vote the Democratic ticket?—A. Ward 4; the Stonewall engine-house.

Q. How long did you remain at that poll?—A. About 15 minutes.

Q. About how many colored men do you suppose you saw vote the Democratic ticket at that poll?—A. About 80 or 90, as far as I can judge.

Q. At the time you were at the Stonewall engine house, how were

the men sworn, singly, or in groups?—A. They would swear them sometimes in groups.

Q. Would they swear each man separately?—A. If three men came up together, the clerk would put the oath to them, and they would fold their tickets and put them in.

Q. How often did you see them swear three or four men together at the Stonewall engine-house?—A. Six or seven times in the afternoon.

Q. Are you positive about that?—A. I am.

Q. Was the Stonewall engine-house the first poll you went to when you arrived in the city?—A. I went to the Market Hall.

Q. When you went to the Market Hall were there many men around the poll?—A. Yes, sir; crowds of them.

Q. Did all the members of your club vote at Moultrieville?—A. Yes, sir.

Q. Did they all vote the Democratic ticket?—A. They did.

Q. The calico-back ticket?—A. Yes, sir.

Q. Did you see each one of them vote?—A. I voted first, and saw each man vote after me.

Q. You said the first election in which you were interested was in 1874, in the Green and Chamberlain contest?—A. I worked for the Republican party then.

Q. What ticket did you vote?—A. I voted for Chamberlain, and worked for him too.

Q. You stated you belong to a number of clubs and societies?—A. Yes, sir; I belong to the Union Star Fire Company, the U. S. Grant Cavalry, and the Young Men's Christian Association; that was not political you know.

Q. Those were all the associations to which you belonged at the time of the last election?—A. Yes, sir.

Q. For whom did you vote for in 1876?—A. What campaign was that?

Q. Between Hampton and Chamberlain?—A. I voted for Hampton.

Q. You voted the Democratic ticket in 1876?—A. Yes, sir.

Q. At the last election for whom did you vote for Congress?—A. Mr. O'Connor.

Q. Did you vote the straight Democratic ticket?—A. Yes, sir.

Q. You stated you knew a great number of colored men who had determined to vote the Democratic ticket in the interest of reform; will you state how many you knew had those intentions?—A. About 150 or 200, perhaps more.

Q. Were those members of the associations to which you belonged?—A. Pretty near.

Q. Is it generally known amongst the colored people that you are a Democrat?—A. Yes, sir; everybody knows it.

Q. Have you ever been expelled from any of the associations to which you belonged, from the fact that you were a Democrat?—A. No, sir.

Q. Have you ever been ostracized by your colored friends on that account?—A. In the way of a joke they would say, "You are a damn Democrat," but they always thought so much of me that I was always treated right.

Q. You have never been ill treated on account of your Democracy?—A. No, sir.

Q. Are you a member of any church?—A. No, sir; not now; I was. I was christened a Catholic; when I was a boy I used to go the Sunday school.

In reply by M. P. O'CONNOR, contestee :

Q. Did you electioneer for M. P. O'Connor for Congress ?—A. I did. I went on the stump for him, and made 3 or 4 speeches.

Q. Was M. P. O'Connor a popular candidate among the colored people among whom you associated ?—A. Among my class he was very popular.

Q. How was the announcement of the ticket that was put forth by the State street convention received by colored people with whom you are associated ?—A. They said they did not like the ticket, and they would vote to the contrary; they would vote the Democratic ticket. That was among my associates.

Questions by E. W. M. MACKEY, contestant :

Q. You stated that you made three or four speeches in the canvass for Mr. O'Connor ?—A. Yes, sir; at Wappetaw Church, and I spoke at the 4-Mile Church, in Christ Church Parish, and I spoke at the 22-Mile House in Christ Church Parish, and I spoke on Sullivan's Island, in the town of Moultrieville.

Q. Are those the only places at which you spoke ?—A. Those four places.

Q. Were they Democratic or Republican meetings ?—A. They were joint meetings, except up to Wappetaw Church.

Deposition of S. W. Ramsey.

CHARLESTON, November 10th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Charleston County :

S. W. RAMSEY (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee :

Question. State your age, residence, and occupation.—Answer. I am 40 years of age; and have been residing in Charleston until a short time ago; when the election came on I was at Pineopolis, St. John's, Berkley, and was requested to act as clerk by the managers.

Q. Did you keep a poll-list ?—A. Yes, sir.

Q. Who was the Republican supervisor there ?—A. A colored man by the name of Wallace.

Q. A great politician ?—A. He seemed to be so around that part of the country.

Q. Were you present at the polls all day ?—A. Yes, sir; only except when I went off to my breakfast and dinner.

Q. Was the election conducted by the managers fairly and squarely ?—A. Perfectly so.

Q. Were you present at the count of the votes ?—A. Yes, sir.

Q. Was the count conducted by the managers fairly and impartially ?—A. Perfectly so.

Q. Did number of votes in the ballot-box exceed the names on the poll-list ?—A. Yes, sir.

Q. By what number ?—A. The poll-list called for 320 votes and there was an excess of 113.

Q. When you opened the box were the votes all found folded up in the manner you expected to find them in the ballot-box?—A. Yes, sir; the same way as I have seen them when I have acted before as clerk and manager.

Q. Were there any tissue ballots in the box?—A. Twenty-five in all.

Q. What was done with the excess of votes found in the box?—A. One of the managers, Mr. Mott, he stood with his back to the box, and took them out one by one and I kept a tally of them, and the two supervisors stood there and watch me keeping the tally.

Q. Was the drawing done fairly?—A. Perfectly fair.

Q. What proportion of votes drawn out of the box were Republican and what proportion was Democratic?—A. There were considerably more Democratic votes taken out of the box, as far as I could see, than Republican votes.

Q. What was done with the excess of votes after they were drawn out?—A. Mr. Carson, one of the managers, stood by the fire and one of the other managers would hand him the tickets as they were taken out, and he would tear them and throw them in the fire.

Q. Was any complaint made to the managers by either one of the supervisors?—A. Not at that time. When I say no complaint—when we took out these tickets the Republican supervisor remarked that he had never seen any ballot like that voted; that was the only complaint he made.

Q. Was any protest filed with you as to the count of the votes?—A. None at all; further, the box was sealed up. When everything was over, the Democratic supervisor, Mr. Macbeth, turned around and said, "Mr. Wallace, I hope you are perfectly satisfied the way this election has been conducted." And he said, "Gentlemen, I am perfectly satisfied."

Q. How did the voters vote, folded or open ballots?—A. Some voted open ballots and some voted folded ballots; it is a large colored poll, and some would come up with their tickets open and some folded.

Q. Is it a large colored poll?—A. On that occasion it was quite a large colored poll.

Q. Did you find any tickets folded together, two or three together?—A. We did in one or two instances, but they were taken out and immediately destroyed while we were counting.

Q. Were they Democratic or Republican tickets?—A. They were Republican tickets.

Cross-examination by E. W. M. MACKEY, for contestant:

Q. How often did you say several or some tickets were found folded together?—A. Once or twice.

Q. On each occasion were they Republican tickets found folded together?—A. I don't remember on each occasion, but I know they were Republican tickets. I don't think I saw a Democratic ticket folded together.

Q. In how many instances are you certain you saw several Republican tickets folded together?—A. It is a long time now, but I think two or three instances.

Q. Did you examine the tickets that were folded together?—A. Yes, sir; they were Republican tickets, that I remember. I don't remember seeing any Democratic tickets folded together.

Q. Were they found folded compactly together, one ticket lying on the other and then folded together?—A. Those one or two instances that I spoke of they were folded in that way.

Q. Were any of them found folded separately and then others folded in a smaller space and then inclosed within?—A. I don't remember seeing anything of that kind.

Q. Now, in regard to the number of tissue ballots found in the box; are you positive that no more than twenty-five were found?—A. I am positive.

Q. Were they counted separately?—A. Yes, sir.

Q. And the number ascertained to be twenty-five?—A. Yes, sir; twenty-five.

Q. In counting the votes, did the managers count first the large Democratic tickets, then the small tissue tickets, then the large Republican tickets?—A. Yes, sir; that is the way they counted them; they laid them in lots, the Democratic large tickets, then the tissue tickets, then the Republican ticket, and they counted them in that way.

Q. In drawing out the excess of votes, were any Democratic tissue tickets drawn out?—A. I don't remember whether they were or not.

Q. Were any tissue tickets found folded inside of the larger tickets?—A. No, sir; they were separate and distinct votes.

Q. So that every ticket found in the box was folded separate and distinct?—A. Yes, sir. You mean the tissue tickets?

Q. No, all the tickets, with the few exceptions you have already mentioned?—A. Yes, sir.

Q. Did you keep a tally of the different kinds of tickets?—A. No, sir; not of the different kinds of tickets; Mr. Mott was taking them out and our orders were only to keep a tally of the surplus tickets.

Q. When the excess of tickets were being drawn out, did you have an opportunity of seeing them before they were torn up or burnt?—A. No, sir. I could tell by the size whether they were Democrat or Republican tickets.

Q. You didn't take the opportunity to examine the tickets?—A. No, sir. I didn't pick them up from the ground; Mr. Carson, one of the managers, were taken them up and tearing them.

Q. While the tickets were being drawn out where were you?—A. I was sitting at the same table with the ballot-box, keeping a tally of the votes drawn out close to the ballot-box.

Q. About how far from the ballot-box?—A. About two feet from the ballot-box.

Q. You say, when these tissue tickets were being taken out the ballot-box, while the votes were being counted, that the Republican supervisor said he had seen none of them voted?—A. That is the remark he made.

Q. Did the managers make any reply to those remarks of the supervisor?—A. The managers said they were there all the time, but they didn't watch to see what kind of tickets were put in when they took the men's votes.

Q. How long have you known Thomas H. Wallace, the Republican supervisor?—A. I knew him the day he was there; he came there as the Republican supervisor.

Q. Was that the first time you ever met him?—A. Yes, sir.

Q. Had you known him before?—A. No, sir.

Q. How do you know he was then a great politician?—A. From the way he acted at the polls. He was around with the voters giving them tickets and rallying them around.

Q. And for that reason you judged he was a great politician?—A. I judged he was a very active politician.

Q. Did he take any more interest in the election than the managers

seemed to take!—A. I think so; and when the voters would come up he would have tickets in his hands, and would give it out to them.

Q. Did the other supervisor ever give any tickets to voters!—A. No, sir.

Q. Are you positive that more Democratic tickets were drawn out and destroyed than Republican tickets?—A. I am perfectly positive about that, because we all made the remark at the same time, when the 113 votes were drawn out; we made the remark that more Democratic tickets were drawn out than Republican tickets.

Q. Did Mr. Macbeth, the Democratic supervisor, make the same remark!—A. He may have done it, but I don't remember.

Q. Who was it that made that remark!—A. Mr. Carson.

Q. One of the managers!—A. Yes, sir. Mr. Mott, I think, Mr. Richard Macbeth, and myself made the same remark at the same time.

Q. You say you have been a manager of elections in previous elections!—A. Yes, sir; in the city.

Q. How often have you been a manager in previous elections!—A. Four or five times since the war, and I have been clerk.

Q. You have acted as either manager or clerk at four or five different elections, have you not!—A. Yes, sir.

Q. At any of those elections did you ever see tissue ballots used!—A. No, sir; not at any of those elections.

Q. Did you ever know the number of tickets in the box to exceed the names on the poll-list to the extent of one hundred or more!—A. I have known them to exceed, but not to that extent.

Q. Have you ever known them to exceed five or six!—A. I cannot say whether or not, but I know they have exceeded on several occasions.

Q. To a great or small extent!—A. Not to a very large extent.

Q. Are you not certain that they never did exceed at any election in which you participated, either as a manager or as a clerk, the poll-list to the extent of more than 8, 10, or 12!—A. The last time that I was a manager was the State election. I think it was the Carpenter and Butler election. I was manager in the first Wagener election and in the second Wagener election, and I am certain on those occasions the votes did run over the poll-list.

Q. To what extent!—A. Not to a large extent, but it run over.

Q. My question was, did they run over to the extent of 8, 10, or 12!—A. I cannot remember now.

Q. At any of those elections, at which you served either as manager or as the clerk, were all the officers of election of one political party!—A. No, sir; two of one party and one of another.

Q. You have always been a Democrat!—A. Yes, sir; always voted the Democratic ticket.

Q. For whom did you vote in the last election for Congress!—A. For the Hon. M. P. O'Connor.

In reply, by M. P. O'CONNOR, contestee:

Q. When you came across those ballots that were folded together did you pay particular attention to ascertain whether they were folded in the manner described by the question put to you by Mr. Mackey or not!—A. I said only on these one or two occasions that I saw these Republican tickets they were folded together.

Q. Did you pay particular attention to see whether or not they might not have been folded separately, and then put in this way!—A. If they were put in that way they would necessarily fall to pieces in the box. What I mean is, that they were folded just the same as I have seen

tickets dropped into the box, and when you would open them you would find two or three folded together, as the case might be.

Q. From the appearance of these tickets, did it strike you when you saw them that they were voted with the intention of falling to pieces when they were put in the ballot box?—A. That was my opinion.

STATE OF SOUTH CAROLINA,
County of Charleston:

In the matter of the contested election in the second Congressional district of South Carolina for Representative in the Forty-sixth Congress of the United States, in which E. W. M. Mackey is the contestant and M. P. O'Connor is the incumbent.

I, Jacob Williman, trial justice, and a notary public within and for the county of Charleston and State of South Carolina, do hereby certify that the aforesaid deponents, being duly summoned, to wit: T. Barker Jones, Michael Hogan, Lieut. F. J. Heidt, Capt. C. C. White, C. A. Aimar, R. M. Smith, Jno. Barry, S. J. L. Matthews, Jas. C. Lacoste, C. F. Steinmeyer, T. F. Fosberry, J. A. Mitchell, Jno. Commins, John H. Devereux, T. L. Quackenbush, C. E. D. Fell, Geo. L. Buist, Stephen Hayne, Walter Webb, Patrick Morau, E. T. Legaré, Edward Eiserhardt, J. C. R. Taylor, Edward Perry, T. W. Carwile, Chas. H. Simons, Moses D. Brown, M. N. Waring, M. D., J. M. Heape, F. M. Drose, Philip Weathers, J. E. Futtz, Thomas M. Holmes, Joseph T. Parker, Chas. I. Macbeth, Geo. E. Pritchett, R. T. Morrison, jr., S. Wilson Ramsey, C. E. O'Connor, produced by said contestee, personally appeared before me, at No. 30 Broad street, in the city of Charleston, in the State and county aforesaid, and being first severally cautioned and sworn to speak the truth, the whole truth, and nothing but the truth, in the matter of said contested election, gave the foregoing depositions, by them respectively subscribed.

That I caused the testimony of said deponents, with the questions propounded to them by the counsel and agents of said parties, to be reduced to writing by a stenographer in my presence, and in the presence of said deponents and of the counsel and agents of said parties, except as hereinafter mentioned, and caused the said testimony to be carefully read to said deponents, and also to be duly subscribed and attested by said deponents, respectively, in my presence.

That the contestant, E. W. M. Mackey, was present at the examination of all said deponents; and the contestee, M. P. O'Connor, was present, as was also his counsel, Geo. R. Walker.

And I further certify that the examination of said deponents was commenced on the 23d day of September, 1879, at No. 30 Broad st., in the city of Charleston, and was continued from day to day until the 10th day of November, 1879, with the exception of those days devoted to the examination of the witnesses in Orangeburgh and Clarendon Counties.

And I do further certify that the fees of the aforesigned witnesses in behalf of M. P. O'Connor, contestee, and of the notary public and constable, amount to the sum of \$593 (five hundred and ninety-three dollars.)

Witness my hand and seal, at Charlestou, in the State aforesaid, this 25th day of November, A. D. 1879.

[SEAL.]

JACOB WILLIMAN,
Trial Justice and N. P.

STATE OF SOUTH CAROLINA,
Charleston County:

To Hon. E. W. M. MACKEY,
Charleston, S. C.:

You will please take notice that I will examine the following-named witnesses, all of whom reside in Charleston County, relative to and touching the matters and things set forth in my answer to your notice to me that you would contest my right to a seat in the Congress of the United States, to which I was elected at the general election held Nov'r 5th, 1878, for the second Congressional district of the State of South Carolina, before E. H. Hogarth, notary public in and for the State of South Carolina, at the village of Mount Pleasant, and in the State aforesaid, on the 19th day of November, 1879, to be adjourned from day to day until the examination of the witnesses hereinafter named shall be completed, between the hours of 10 a. m. and 10 p. m., or so much thereof as may be necessary for the examination of such witnesses, to wit: Frederick Horlbeck, John S. Horlbeck, J. M. Muirhead, Ferdinand Gregory, Thos. Williams, Wm. M. Hale, Ferdinand Cherry, _____ Royall, _____ Bowson, C. Brown, Dr. D. R. Williams, Thos. Hamlin, James Hamlin, Oswald Hamlin, Dan. Jersey, E. Pudigon, John Fell, Capt. C. Lewes, Major Thos. A. Huguenin, Dr. Josh Toomer, Wm. M. Venning, J. T. Edmonston.

Friday, Nov'r 14, 1879.

M. P. O'CONNOR,
 Per GEO. L. WALKER,
Attorney for Contestee.

Service accepted 15 Nov., 1879.

E. W. M. MACKEY.

STATE OF SOUTH CAROLINA,
Charleston County:

To Frederick Hollbeck, John S. Horlbeck, J. M. Muirhead, Ferdinand Gregory, Thomas Williams, William M. Hale, Ferdinand Cherry, _____ Royall, _____ Bowson, C. Brown, Dr. D. R. Williams, Thomas Hamlin, James Hamlin, Oswald Hamlin, Daniel Jersey, E. Pudigon, John Fell, Capt. C. Lewes, Major Thomas A. Huguenin, Dr. Josh Toomer, William M. Venning, J. T. Edmonston, greeting:

You and each of you are hereby summoned to appear before me, at Mount Pleasant, in said county and State, on the 19th, 20th, and 21st days of November, A. D. 1879, between the hours of 10 a. m. and 10 p. m. of said days, or so much thereof as may be necessary, by adjourning from day to day, to be then and there examined under oath by me respecting the contest by E. W. M. Mackey of the right of M. P. O'Connor to a seat in the Congress of the United States. You will not fail herein under a penalty of twenty dollars.

Given under my hand and official seal this 17th day of November, A. D. 1879.

[L. S.]

E. H. HOGARTH,
Notary Public So. Ca.

*Deposition of I. W. Bouston.*

MOUNT PLEASANT, November 19th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

I. W. BOUSON (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Q. Question. What is your age ?—Ansver. I am 23.

Q. Do you hold any official position in this parish ?—A. I am clerk and treasurer of this town.

Q. Of the town of Mt. Pleasant ?—A. Yes, sir; of the town of Mt. Pleasant.

Q. You reside in the town of Mt. Pleasant ?—A. I do.

Q. Were you present at the election for member of Congress in 1878, at Mount Pleasant, in the parish of Christ Church ?—A. I was.

Q. What time did you arrive at the poll ?—A. Between half past six and seven o'clock.

Q. Did you see the conduct of the election during the day ?—A. Yes, sir; during the whole day except one hour during dinner time.

Q. What was the position of R. C. Browne, the United States supervisor, during the balloting ?—A. He was right by the window when I came there; he was there most of the day, with his table touching the ledge of the box; he was within two feet of the ballot-box, and the ballot-box was on the window-sill.

Q. Did you see any disturbance by the people within the room during the day ?—A. No.

Q. Was the ballot-box exposed publicly ?—A. Anybody could see it.

Q. Was the supervisor in a position to see every ballot that was polled ?—A. Yes, sir; he was.

Q. Was the supervisor in a position to see that everything was conducted fairly ?—A. He could see everything.

Q. Was there anything to prevent him from seeing every vote that went inside the ballot-box ?—A. Nothing.

Q. Did you vote at that precinct ?—A. I did.

Q. Did he see you cast your vote ?—A. He did; when I put my ballot in the box, he said there goes another batch of tissue tickets. I voted a large ticket when he said so. I took my hand off the box, and he looked and then sat down.

Q. Did anybody prevent him from doing this ?—A. No, sir.

Q. Are you certain that he used the word "tissue ticket" ?—A. I am certain.

Q. You didn't vote the tissue ticket ?—A. I voted a large Democratic ticket.

Q. Did you vote more than one ticket ?—A. One ticket.

Q. One single ballot ?—A. One single ballot.

Q. Were you present at the count and canvass that night ?—A. I was.

Q. Was everything done fairly and according to law, as far as you saw ?—A. As far as I saw.

Q. Did you not see everything that was done there that night, and

were there not a great many Democrats and Republicans present?—A. A large number of Democrats and Republicans both.

Q. Did you see Lesesne, the candidate on the Republican ticket for the legislature, behind the bar at night inspecting the ballot-box?—A. He was there.

Q. How far was this board or barrier from the ballot-box?—A. Three and a half or four feet. I don't think any farther.

Q. In the conduct of the canvass in the count, had anything like fraud been perpetrated were you in position to see it?—A. I was.

Q. Did you hold any official position on the day of election?—A. I was deputy State constable.

Q. Was there any molestation of persons, Democratic or Republicans, by the State constables that day?—A. None that I saw.

Q. Did you hear any complaint on the part of the Republican supervisor or any other persons?—A. I did not hear any.

Q. In drawing out the excess at night—I allude to the drawing by the clerk—when the excess of tickets were drawn out and destroyed, were there many Democratic tickets drawn out?—A. There were both Democratic and Republican tickets drawn; how many of each I cannot tell.

Q. Were they destroyed as soon as drawn out?—A. They were.

Q. Were they not destroyed immediately?—A. Immediately; they were burnt.

Q. Unfolded or not unfolded?—A. They were unfolded and burnt. Just as they were taken out of the box they were unfolded, so they could light them well, and burnt before the people there.

Q. Think well of your answer. In destroying the tickets that came out of the ballot-box, that is, in destroying the excess, were they unfolded?—A. I won't say positively; it is natural for a man to unfold them so they could burn them well.

Q. Were not those tickets loosened during the first count?—A. Of course they were loosened.

Q. I want you to distinguish in your mind between the canvass and count; the tickets were first counted?—A. They were.

Q. Then they were all smoothed out?—A. They were.

Q. And unfolded?—A. They were.

Q. Then they were put back in the ballot-box, and the excess drawn out?—A. They were.

Q. Then there was no necessity to unfold them during the canvass?—A. They were all unfolded when taken out of the box, and opened so as to burn them easy.

Q. When the clerk was drawing the excess, is it true that he drew almost entirely Republican tickets and drew little or no Democratic tickets?—A. He drew them just as they came.

Q. Were there a number of Democratic tickets drawn?—A. There were a number.

Q. How many?—A. I cannot tell.

Q. What do you mean by quite a number?—A. A very large number.

Q. Any remark made about drawing the Democratic tickets?—A. The Republicans were grumbling about their tickets being drawn and the Democrats also.

Q. Both sides were grumbling about too many of their tickets being drawn?—A. Yes, sir.

Q. Were you at Mt. Pleasant at the time of the primary contests just preceding the election between Mr. Hall and Mr. Walker?—A. I was.

Q. Who did the colored Democrats generally support?—A. Mr. Walker.

Q. A large number of them?—A. Most every one of them.

Q. Did he get a large vote from them?—A. He got most of their votes.

Q. Was that vote large or small?—A. I think a pretty large vote.

Q. Is it true that there is but one colored Democrat in this parish?—A. I think there are a great many more.

Q. Is it true that William Stewart is the only colored Democrat in this parish?—A. No, sir; I can show you more; there are a great many I can show who said they voted the Democratic ticket.

Q. Do the colored voters as a rule like or dislike to openly acknowledge that they voted the Democratic ticket?—A. I cannot say anything about that. I heard some say that voted the Democratic ticket that they had voted the Republican ticket; a great many said so.

Q. You say that those whom you knew to have voted the Democratic ticket, to say that they voted the Republican ticket; what was the cause?—A. I suppose if they would say they voted the Democratic ticket their brethren would shame them or quarrel with them. It is generally the case with the colored man who votes the Democratic ticket, he is afraid to own that he has voted it.

Q. You mean he is looked down upon by his fellows?—A. Yes, sir.

Q. Socially ostracized by the other fellows?—A. Yes, sir.

Q. Do the colored women participate in this ostracism against the colored Democrats?—A. I don't know, sir.

Q. You never heard their opinions upon the subject?—A. I heard two of them; I cannot say all of them.

Q. What did those two say?—A. They said any negro that voted the Democratic ticket ought to have his neck broken; that was the day Frederick Wilson was thrown over the bridge; he voted the Democratic ticket. I am not certain but about one; I am not certain about the two.

Q. Was that the occasion when the colored militia company took possession of the ballot-box at the Four Mile Church, and marched down with it to the Mt. Pleasant wharf?—A. Yes, sir; I saw them.

Q. They met Frederick Wilson on the wharf?—A. Yes, sir.

Q. Is he a colored Democrat?—A. He has always been since I have known him.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Do I understand you to say that you saw a colored militia company the day after the election of 1876 come down from the Four Mile Church with the ballot-box?—A. I saw the colored militia company that came down with arms with the ballot-box from Knox's plantation.

Q. Did that company have possession of the ballot-box, or simply accompanied the manager?—A. I didn't see the managers.

Q. Who had charge of the ballot-box?—A. I don't know.

Q. Did you see the ballot-box at all?—A. No, sir.

Q. You cannot say in whose possession it was?—A. No, sir.

Q. Are you able to deny that the men who had the ballot-box in their possession was the managers?—A. I cannot say. •

Q. Was that the day Frederick Wilson was attacked on the wharf?—A. Yes, sir.

Q. Do you know what was the cause of the attack on Frederick Wilson?—A. I do not know the cause.

Q. Do you know who began the attack on Frederick Wilson?—A. I don't know.

Q. Did you witness the affair?—A. Yes, sir; from my piazza.

Q. How far off?—A. About one hundred yards.

Q. You were not on the wharf at all?—A. No, sir; not during the occurrence; I was at home when they threw Frederick Wilson over; there was no water there, and they threw him over in the mud.

Q. You testified in regard to two colored women saying that if any colored man voted the Democratic ticket he ought to have his neck broken; was that not in the election of 1876?—A. It was.

Q. Did you hear any colored women make any such remarks during the last election?—A. I did not.

Q. Could not any colored man who wanted to vote the Democratic ticket in the last election do so with perfect safety?—A. I cannot say.

Q. Do you know of any that wanted to vote the Democratic ticket in the last election that was prevented from doing so?—A. None that I know were prevented from doing so.

Q. You stated that you supposed that if any colored man voted the Democratic ticket that he would be ostracized and put to shame by the other colored people; do you know of any such instance that occurred during the last election?—A. Only from common talk among them.

Q. Do you know of any particular instance that occurred?—A. I heard them speak on the streets about Frederick Wilson and others for wearing the red shirts and voting the Democratic ticket.

Q. You ever saw them do them any bodily harm?—A. No, sir; no bodily harm, except in 1876; in 1876 I saw a man whipped right outside here.

Q. What man?—A. Abram Broughton.

Q. By whom?—A. By some Republican men.

Q. For what?—A. Because he wanted to go up in the hall and they would not let him; mind you, that was in 1876.

Q. Was this quarreling that you heard between Wilson and others a quarrel or simply a discussion?—A. I did not hear the quarrel no more than I heard the remarks, "Throw the damn Democrat overboard." Those were the words I heard from the crowd; there were some twenty there with rifles and bayonets.

Q. What I am asking you is in regard to some quarreling between Wilson and some others?—A. If I said that, I made a mistake, and it was my mistake; I meant the quarreling between Democrats and Republicans about too many of their tickets being drawn out in the election of 1878. I didn't say anything about any quarreling between Frederick Wilson and others in 1878; but I heard them talking with Frederick Wilson and others about being Democrats.

Q. What I want to know is this: do you know of any instance of a colored man being ostracized, ill-treated, or abused by other colored men for voting the Democratic ticket in 1878?—A. I know of none no more than what you hear on the streets; you hear them joking with one and the other, that none of the colored people can be Democrats; I heard the other say so.

Q. You have testified that you knew colored men who voted the Democratic ticket afterwards to say that they voted the Republican ticket?—A. Yes, sir.

Q. Can you give the names of such parties?—A. Not unless it is necessary.

Q. In my opinion it is absolutely necessary?

(Counsel for contestee, for the safety and protection of such poor colored people as desired to vote the Democratic ticket, advises the witness not to give the names unless Congress should absolutely demand it, nor in any way be guilty of a breach of political confidence.

Contestant denies that by giving the names the parties will incur the slightest danger, and insists upon the names as absolutely necessary to test the veracity of the witness.)

A. I refuse to give them.

Q. How many such cases do you know of?—A. I cannot tell you that.

Q. Do you know of one colored man that voted the Democratic ticket and afterwards denied it?—A. I do.

Q. Do you know of two?—A. I cannot tell you if I know of any more.

Q. What do you mean by saying, you cannot tell if you know of any more?—A. I don't care to tell you how many I know right away, because I have not found out all.

Q. But is one all you know of at present?—A. Right at present.

Q. His name, I understand, you refuse to give?—A. Yes, sir.

Q. Does he live in Christ Church Parish?—A. He does.

Q. You say there are a large number of colored Democrats in this parish?—A. There are quite a number.

Q. Can you give the names of any colored Democrats in this parish?—A. I can give the names of a good many, if necessary.

Q. Give their names.—A. Those that I know—but there are a good many I don't know, are Frederick Wilson, Robert Springs, Robert Williams, Cephas Lewis, and Thomas Wright. I cannot recollect all their names; William Stewart is also one, and Clarence Brown; he is now the trial justice of this parish. I know more, but I cannot remember their names.

Q. About how many more do you know?—A. I cannot positively say about how many more.

Q. Can you not estimate about the number of colored Democrats in this parish?—A. I cannot, unless I look over the list.

Q. About how many colored men did you see vote the Democratic ticket on the day of election?—A. I did not notice their voting at all. I saw those that I called the names of just now. I saw them vote the Democratic ticket.

Q. Have any of them that you named been in any way ill treated because they voted the Democratic ticket at the last election?—A. Not at the last election, no.

Q. You testified that both Democratic and Republican tickets were drawn out and destroyed when the excess was drawn out?—A. Yes, sir.

Q. How do you know both Republican and Democratic tickets were drawn out?—A. By their colors; there were even tissue tickets drawn out.

Q. You could tell, then, whether they were drawing out a Democratic or Republican ticket?—A. Yes, sir.

Q. Are you positive that Browne was within two feet of the ballot-box?—A. He could not have been any more than two feet; he could not have been any further off than that, because his table was on the edge of the window-sill, and he was sitting right alongside of the window; it was a very small table he was sitting at.

Q. When you voted did you not stand between Browne and the ballot-box?—A. Browne was on my right-hand side, and when I went to vote Browne got up and said, "Here goes another lot of tissues." He looked at it and sat down, and I shoved the ticket into the box.

Q. Could he have seen your ticket unless he arose?—A. Of course he could. But he got up and looked into the ticket; he must have thought there was more than one ticket from the way he spoke.

Q. You stated that if anything like fraud had been perpetrated you would have seen it?—A. I would.

Q. Do you deny that there was any fraud perpetrated at this ballot-box?—A. That is, between half-past six and seven o'clock; the exact time I cannot tell.

Q. But you are positive that no fraud was perpetrated from the time you were there until you left?—A. I am.

Q. Do you deny positively that no tissue tickets were in the ticket you voted?—A. I do most positively; I deny that. I voted but one ticket, and that was the large Democratic ticket.

In reply by G. R. WALKER, counsel for contestee:

Q. When you say that no fraud was committed, do you mean that no voter voted fraudulently?—A. I cannot say anything about the voters. I am speaking about the managers.

Q. You spoke, then, when you said that no fraud was committed, only in reference to the managers, not to the voters?—A. Only reference to the managers; I don't know how many tickets were voted by the voters; I was not put there to watch either voters or tickets.

Q. You were cross-examined as to what you saw from your piazza?—A. Yes, sir.

Q. At the time of Frederick Wilson's difficulty on the wharf, was the attack on him by one man alone or by more than one, so far as you saw it?—A. I cannot say how many. I saw him when he was hoisted into the mud, and there were about 20 men with guns and bayonets shouting "Throw the damn Democrat overboard."

Q. You stated that you knew of no special attack upon any Democrat in the last election?—A. I didn't see any.

Q. Do you intend to correct your testimony in regard to the general ostracism against colored Democrats by colored Republicans which you gave in your direct testimony?—A. I saw no attack made on any one, and no one beat any one for voting the Democratic ticket.

Q. Or sneering at them?—A. Yes, sir.

Q. Or speaking contemptuously of them?—A. Yes, sir; not once, but more than that.

Q. Is it not a matter of public knowledge that the object of the Republican party is to influence others from being Democrats of the colored race?—A. It has always been said that their belief was that if they voted for the Democrats, and they got into power, they would put them back into slavery.

Q. Had the Democrats not control of the State government in 1873, and were they not better able to protect colored Democrats from actual violence than they were in 1876?—A. I think they were.

Q. When you say that you cannot recollect any more Democratic colored persons, do you mean to say you cannot find any more, or have forgotten their names?—A. I have forgotten their names at present.

Deposition of Dr. David Ramsey Williams.

MOUNT PLEASANT, November 19th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

Dr. DAVID RAMSEY WILLIAMS (white), a witness of legal age, produced

by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. What is your profession?—Answer. I am practicing medicine.

Q. You are a doctor of medicine?—A. I am.

Q. You have your diploma?—A. I have.

Q. Do you practice medicine for your livelihood?—A. I do.

Q. How many years have you practiced medicine?—A. Twenty odd years; I graduated in 1845.

Q. Have you spent your life among the negro race?—A. I have.

Q. Practiced your profession among them?—A. I have.

Q. Know their character thoroughly?—A. Thoroughly.

Q. Able to speak of them as an expert?—A. In some things.

Q. Do you know them sufficiently to speak of them as an expert?—A. I do; my father owned many negroes, and I owned many myself, and raised them.

Q. Are they, as a rule, great criminals?—A. Yes, sir; a negro will steal the same as a monkey would.

Q. Are their stealing confined to petty larceny, or what?—A. Anything they can get. They are born and raised in ignorance; I believe it is their propensity.

Q. You mean that, like all semi-savage races, they have the same proportion of *meum et tuum*?—A. Yes, sir; the same proportion.

Q. Is their veracity superior to philo-acquisitiveness?—A. About the veracity of the negro, I would not believe one on their oath. I don't believe I ever saw a negro that I would believe. I have been placed in a position to see, both pecuniarily and otherwise, that their veracity cannot be depended on.

Q. If a large number of negroes in this parish swore they had voted the Republican ticket, would you regard that a conclusive evidence of the fact?—A. Certainly not. I saw one a few days ago go up and swear that he had voted the Republican ticket that had voted the Democratic ticket. Many of them begged me not to mention that they had voted the Democratic ticket.

Q. Did you participate in the election of 1878?—A. Slightly.

Q. Did many of them vote the Democratic ticket?—A. Many of them that were not suspected of voting it by their fellows.

Q. Have you any special grounds for your suspicion?—A. I have.

Q. State them.—A. Many told me that day. I saw them throw the Republican tickets away and go to the polls with the Democratic tickets, and they afterwards told me they were afraid to own it because they were afraid of their life.

Q. Were you participating in voting colored men?—A. Yes, sir.

Q. Where did you vote them?—A. I intended to vote them at Mt. Pleasant, but I noticed that the negroes were speaking against those that voted the Democratic ticket. I took them over to Sullivan Island; they were afraid to vote, and I told them if they were going to vote the Republican ticket to vote it, and if they were going to vote the Democratic ticket to vote it; but if they voted the Democratic ticket to vote it openly.

Q. You say you had to take them over to Sullivan's Island and vote them at the Moultrieville precinct?—A. Yes, sir; several others took them there on account of fear of their fellows; that is what they told me, and I believe their assertions were right.

Q. What had they to fear?—A. They should have had nothing to fear; but from the ignorance of their leaders and their advice to the

other negroes they were afraid of violence from them either in one way or another. The negroes would say, "They will murder me," but I don't know whether they would actually murder them, but they would be ill-used. I saw an instance of a negro being ill-used from the fact of voting the Democratic ticket, and badly ill-used, too.

Q. Was the cause of less actual violence occurring in 1878 the result of Democratic State supremacy?—A. Yes; because they were rather timid, knowing the State was in the hands of the Democrats, but I believe they would take advantage of it afterwards.

Q. Was the social ostracism among the negroes decreased by reason of the same?—A. I don't think there was any decreasing in it; there may have been during the time of the campaign, but subject to revival at any time when they got into a quarrel again.

Q. Then I understand you that the actual violence may have decreased in 1878, but there was no difference in the general actions of the colored race toward their fellow Democrats that they came in contact with?—A. None whatever; it did not appear to last as long.

Q. Were you, off and on, at the poll during the day in the last election?—A. I was there several times, but I didn't remain there, because I had my business to attend to.

Q. Did you notice the position that R. C. Browne, the United States supervisor, was in?—A. He was sitting on the outside of the door, close to the ballot-box; he could have touched it with his hand.

Q. Did you see anything to prevent R. C. Browne from overlooking the deposit of every vote cast?—A. Nothing; he could see every ballot cast that was cast. The managers even had the place fixed to prevent him from being pressed by the crowd.

Q. What do you mean, the barricade?—A. There was a board across.

Q. Were the crowd allowed to come up *en masse* to the box, or were they forced to come up one or two at a time?—A. They came in two by two, one just after another.

Q. And went out two by two?—A. Yes, sir; whoever would vote first would walk right out.

Q. Did they in front of the supervisor or to the side of the supervisor?—A. At the side of the supervisor; the supervisor's view was unobstructed.

Q. Is it true that the supervisor was ten feet from the ballot-box?—A. No; it is a lie.

Q. Is it true that he was five feet from the ballot-box?—A. No.

Q. What was about the maximum distance?—A. About two and a half feet; he could have sat nearer, but he sat there for convenience.

Q. Was there anything to prevent him from putting his hand on the ballot-box?—A. No; he was as close as I am to you. I heard Browne express himself after the polls were closed—I don't know but what it was not to you, Mr. Walker—that he was very much pleased with the manner in which the election was carried on.

Q. Did you see the drawing of the excess?—A. No, I didn't.

Q. You left the poll?—A. I left for a particular reason.

Q. You care to state that reason?—A. No, I don't care to state it, but I will state it.

Q. State your reasons for leaving the polls at that time.—A. The news came in that there was a boat that had come over from Charleston bringing four men, and with them there was some of these Republican negroes, and we expected that there might be some trouble, and we thought that we would not allow them to catch us unprepared by any means. When this news was brought in we expected that if we did

beat them they would attempt some violence, and I was asked to go off with some others to let the citizens know, so as to protect the ballot-box if necessary. I saw these four men ; they were hard-looking fellows, but they were dressed very decently. I heard one say, "By God, we will fix that." When I went back they were standing at the foot of the wharf; I don't know who they were, but they evidently came there for the purpose of creating a fuss. I saw Lesesne speaking to them, for one.

Q. Lesesne, the Republican candidate for the State legislature ?—A. Yes, sir ; I think he was a candidate. I saw the men over here two or three days ago.

Q. But they went off without molesting the poll ?—A. Yes, sir. Everything went off remarkably quiet because they knew that we were prepared. Just as soon as we saw them we put ourselves in a position so that we would not be taken as they were at Cain Hoy.

Q. There was no demonstration at the poll ?—A. None at all.

Q. There were no disturbance or hinderance at the poll ?—A. None at all.

Q. Please give me the character of I. Oswell Freeman ?—A. I know his character well ; I knew when he was born ; I knew the family.

Q. Is he a respectable man ?—A. A high-toned, respectable man, and one I believe who would suffer death rather than do anything mean. I would take his word as quick as I would Hampton's, and I believe Hampton to be as truthful a man as there is in the State of South Carolina; that is, I think so, and every one else ought to think so.

Q. What is your opinion of Mr. I. Oswell's character for veracity ?—A. Strictly truthful.

Q. State whether you saw, or not, Democratic gentlemen distributing tissue tickets at the polls on the morning of the election.—A. I did not get to polls until some time after the poll had opened ; I was not there until after 10 o'clock ; afterwards I saw them.

Q. You did not see them in the morning because you were not there, but after your arrival at the poll you did see them ?—A. Yes, sir ; I had one given to me.

Q. Was there any concealment about it ?—A. No, sir ; they had them open in their hands.

Q. Had them in their hands openly ?—A. Yes, sir ; I never made any secret about voting mine. I put mine partly open in the box.

Q. In voting the colored squad that you took down to Sullivan's Island, did you furnish them with tissue tickets, or were they furnished with tissue tickets ?—A. Some had tissue tickets and some had large tickets, one or two of them.

Q. Give me an expression of what you mean by this Republican social ostracism.—A. I mean a man would be hounded down. A great many of the parties that voted the Republican ticket were leaders of the Republican party. I can swear that one man that voted the Democratic ticket is a leader and stands high in the Republican ranks ; he afterwards begged me for God's sake not to mention his name that he had voted the Democratic ticket. I know another, he lives four miles from here, that his people look up to him as their God ; he was a Republican in this election and in 1876, though he voted secretly the Democratic ticket. When he was called on to testify he commenced to prevaricate so much he was told to stand aside. Mr. Marshall told him aside and didn't examine him.

Q. Why do they not wish their names to be known ?—A. Because they would suffer by it from their people.

Q. Would they lose their influence, their power, and their strength ?

—A. They would their power, and they were afraid of losing their life; they were afraid their life would be taken if they admitted it.

Cross-examination by E. W. M. MACKEY, contestant:

Q. What was the name of the man that Mr. Marshall told to stand aside and would not examine?—A. I refuse to give the name of the man.

Q. How many men did Mr. Marshall tell to stand aside?—A. One other man while I was there to stand aside.

Q. Do you know for what reason he told them to stand aside?—A. I think it was ignorance; they could not tell what poll they voted at.

Q. The man you first referred to, was he an intelligent man?—A. Very intelligent.

Q. Did he tell you himself that he had voted the Democratic ticket?—A. He told me himself and Mr. Muirhead.

Q. Was he a colored man?—A. He was a negro.

Q. You know whether or not he told Mr. Marshall that he voted the Democratic ticket?—A. No, sir; I don't know.

Q. Do you know what he did tell Mr. Marshall?—A. I don't know. I don't know that he told Marshall anything.

Q. You have stated that you knew a colored man that stood high in the Republican party, in this parish, who had voted the Democratic ticket and did not want it known?—A. I have already given the reason. I am not going to expose the man.

Q. Was it C. F. North?—A. No, it was not C. F. North, but he could have been bought if we choosed to work the election on this principle.

Q. Was it Simon Manigault?—A. No, sir; it was not Simon Manigault.

Q. Was it Ceaphas Lewis?—A. He voted the Democratic ticket.

Q. Was he the one that requested you not to make it known?—A. No; he voted it publicly. I believe there were over three hundred colored Republicans that voted the Democratic ticket; there were a great many that promised me to vote that ticket.

Q. Did the man whom you referred to ever hold any position in the Republican party?—A. No; I don't think he ever did.

Q. Did he ever hold any office?—A. Well, I don't know whether he held office or not. I am never so mixed up with Republicans to know whether they hold office or not. I look upon it as sinning against the Holy Ghost to tell upon a man after he asks me not to do so, and I think it is a sin against the Holy Ghost to bring negroes here to swear to lies.

Q. You say that you believe that 300 negroes voted the Democratic ticket; upon what do you base that belief?—A. Because a very great many promised me to vote the Democratic ticket, and a great many promised other friends to vote with them. I advanced this argument to them: I told them, you send for me when you are sick, and yet you vote against me. I told them this soon after the Union came in. I told them we are your friends, and you are taking up every man that comes here, and you vote for them, and you come to me to furnish you medicine; why don't you go and ask Bowen or some of our Republicans? I said, what right have you to come to me to attend you when you are doing all you can against me? Suppose now I was to refuse to come when you asked me to come to attend to your wife and children. I spoke to them in that way at the last election. I told them, I want you to come and vote with me, and with very few exceptions they told me they would.

Q. When you say you saw three hundred Republicans vote the Democratic ticket, do you mean to say that actually that number voted the Democratic ticket, or about that number promised you and others to do so!—A. Yes; I have reason to believe so.

Q. About what number did you actually see vote the Democratic ticket on the day of election?—A. I cannot exactly answer that question; I was at the polls two or three times during that day. My reason for going to Sullivan's Island was, so many persons were going, and I had some business there and wanted to attend to my business; and when I was at the wharf I met 15 negroes and they went with me, but there were a good many that voted the Democratic ticket at Mt. Pleasant.

Q. Could you swear that you saw at least ten colored men actually vote the Democratic ticket at Mt. Pleasant?—A. I cannot actually swear that I saw ten colored men vote, but I will swear to the best of my belief that there were more than ten that voted the Democratic ticket. That independent of the fear of their leaders they voted out.

Q. What I desire to ascertain is about what number of colored men you saw vote the Democratic ticket at Mt. Pleasant; not what number you believe, or not what number you think voted the Democratic ticket, but the actual number you saw vote it?—A. What poll did you attend the last election?

Q. I attended at ward 2, in the city of Charleston, most of the time. (Counsel for contestee objects to both contestant testifying, in reply to any questions of this witness, and objects to the witness asking questions, and requests that both continue the examination legitimately, contestant examining and the witness replying.)

Contestant admits that it is impossible for him to control the witness of contestee, or prevent him from answering the questions in whatever manner he desires.

Counsel for contestee submits that contestant should at any rate be able to control himself, and not insert his replies improperly into the record.)

Q. Can you form any estimate of the number of colored men that you actually saw vote the Democratic ticket at Mt. Pleasant on the day of election?—A. I cannot form no estimate, for I made no notes of it, or anything of the kind.

Q. In saying that you believed 300 colored men voted the Democratic ticket, is not your belief formed most entirely from what you heard from others?—A. No. I saw from the meeting up at the 7-mile store—I heard them say their eyes were opened, and they were ready to go with their own white people.

Q. You say you were at the polls several times that day?—A. Yes.

Q. About how long did you remain there each time?—A. Not very long, perhaps half an hour, according to my business; twice I went down there, and was sent for, and had to leave in the course of a few minutes after I got there. My profession is not politics, but practicing medicine.

Q. You have testified that you would not believe a colored man on oath; did you believe those men when they told you they would vote the Democratic ticket?—A. I believe just as much they would vote the Democratic ticket as the Republican ticket; still, when I say I would not believe a negro on his oath, in a matter of this kind when you examine them they would swear to anything. I believe they are like a flock of sheep; they look upon Mr. Mackey as their God; if they looked upon Mr. Bowen as their God, he could make them swear to anything.

Q. Do you think, then, Mr. Mackey could make them swear as he

pleased and yet could not make them vote as he desired?—A. Yes cause when they are face to face with you or Mr. Bowen, or any of colored leaders, you would make them swear to any thing; the fact if I told these colored people that I wanted three or four hundred them to come here they would not come, but if Mr. Mackey told them to come they would come by the eight hundred, and leave their going to the devil in the field. Some two or three years ago I took colored man in my yard; he was in want, and out of house and home sick. I took that old man and gave him a comfortable house to live in, and partly supported that fellow until I got work for him is in my house now. I used to have his dinner put up from my table. Sometime ago the people wanted to run me for intendant of this town. This was on Tuesday; I called him and said, "John, they are going to run me for intendant of the town." I said, "If this was a political question I would not ask you, but as politics are not in it, I want to ask you to vote for me." He said certainly he would vote for me, and he went off to write his ticket for him, and he went off and did not vote for me. I did not turn him out for that reason. I told him, "You old scamp won't turn you out, but you can't work in my garden any more."

Q. Then it is a very common thing, according to your experience colored men to promise certain persons that they would vote the Democratic ticket and go off and vote the Republican ticket?—A. On occasion this negro did it.

Q. Is not that a common occurrence?—A. It is with some.

Q. When was it you ran for intendant of the town?—A. I did run, the people ran me.

Q. When was it?—A. About one year ago.

Q. You were defeated, were you not?—A. Yes.

Q. Did not most of the colored people vote against you?—A. They voted for Bequest's whisky.

(Counsel for contestee objects to this cross-examination as utterly irrelevant.)

Q. Notwithstanding what may have been their motives, did not colored people vote for your opponent?—A. Yes; they voted for me. He kept an open bar-room the day of the election, and had a dinner cooking for them the day of the election. If I held out the same documents to them, they would have voted for me.

Q. In voting, what kind of ticket did you deposit in the ballot-box?—A. I voted a tissue ticket.

Q. Did you vote more than one ticket?—A. I voted but one ticket.

Q. Who were engaged in distributing the tissue tickets?—A. I don't know that any one was particularly engaged; a good many had this was no secret.

Q. Would not you and the other gentlemen who are Democrats in this parish have disdained to vote more than one ticket?—A. I would not vote more than one ticket, but I don't believe you are examining the whole parish through me.

Q. What became of these four men that came over from Charleston?—A. I don't know. I was not their custodian. I suppose they returned.

Q. Did you see them return?—A. I did not. I saw them coming from their boat; they landed in a body.

Q. Did you see where they went to when they landed here?—A. I stood among the voters in a line.

Q. Were they white or colored men?—A. I cannot swear to that; relatively, for, to the disgrace of South Carolina, there are as many colored

as white men in South Carolina elections now. I think they were white men.

Q. From their appearance you judged these four men were white men ?—A. Yes, sir; but there may have been one mulatto among them.

Q. How do you know they were Republicans ?—A. Because I saw the Republican negroes going to them and running back and forwards, and appeared to be excited.

Q. Did you see any attempt on the part of the Republicans, after the close of the polls, to create any disturbance whatever ?—A. No; I did not. I believe it was their intention, but they knew we were prepared for them, and that it would not be any Cainhoy affair. We had been forewarned and we became forearmed.

Q. You stated in your examination-in-chief that these men knew that you were prepared ; how do you know they knew you were prepared ?—A. Because when twelve or fourteen white men were coming down they passed by a Republican, and he took a by-street and went down to the line, and told them that the whites were coming down, and were prepared for them.

Q. Do you know the names of the four white men ?—A. No, sir. said when I passed them, just let them commence the Cainhoy scrape now. I felt very uneasy when I saw them holding a caucus and knew that there were so many colored people there. I felt uneasy about my family, and remained there some time before I went home.

Q. About how many colored people were in the village that night ?—A. About as many as you had from their cotton and corn fields the other day.

Q. About how many colored men voted at that poll the last election ?—A. I took no account of it. I was not one of the managers; the first vote I cast in South Carolina I voted for a negro. I voted for Charles North, not that I thought he was worthy of the position, but I thought it was better for the State.

Q. You voted for North, as I understand you, because you thought it was best to make the government as bad as possible ?—A. Not exactly; I thought our people ought not to mingle with them and put a body of men that had no right in the legislature; the next time I voted for two decrepit negroes over here. I voted for one for governor and one for lieutenant-governor. I objected to vote for Carpenter because he was a Radical, and I objected to vote for Butler because he allied himself with him.

Q. If two or three hundred negroes voted the Democratic ticket at the last election was not that number nearly half of the number in this parish ?—A. I did not tell you that three hundred voted down here; there was another poll.

Q. In saying, then, that 300 colored men, in your opinion, voted the Democratic ticket in this parish, do you want to say that those three hundred all voted at Mt. Pleasant ?—A. I presume the most have voted at the Mt. Pleasant poll, because there was no other poll in the parish.

Q. Were there many more than five hundred or five hundred and fifty that voted at Mt. Pleasant the last election ?—A. I suppose you can get your answer from the poll-list.

Q. Do you not know that the actual number polled at Mt. Pleasant was six hundred and twenty, from the poll-list kept by the managers ?—A. I don't know that. I know we beat you, and I believe we honestly beat you.

Q. If 620 is the correct number of persons voted at the Mt. Pleasant poll, and 300 colored men voted the Democratic ticket, then most every

one of the colored people voted the Democratic ticket at this poll?—A. I believe that they did; I really believe, before God, that Mike O'Connor's majority over you at the Mt. Pleasant poll was honestly and justly obtained, and I am willing to appear before the throne of God and make the same assertion.

Q. Have you any reasons to believe that half of the colored people of Mt. Pleasant voted the Democratic ticket at the last election?—A. No; but I believe a very large number of Republicans voted the Democratic ticket, and I believe it was through the efforts of their employers and others they did so. I believe those timid ones were afraid to come out openly and vote it, and they therefore done it clandestinely, and the fear was well founded. I have seen the result of negroes voting the Democratic ticket over here. I was called to a man who had his shoulder and three ribs broken by a crowd of these fellows for doing so, and when he was carried into the house the crowd, like hyenas, stood there and wanted to break into the house where he was, and I told them they should not do it; that I intended to protect the man, as he was my patient.

Q. When was that?—A. In 1876.

Q. That was not at the last election?—A. No; but I believe they would have done us the same way if they were not convinced that the State was in the hands of the Democrats, and that they didn't have all the offices; they could do then as they pleased, because the National Guard was at that time the only troops in South Carolina.

Q. From what you observed and from what was stated to you by colored people before the election, and what was stated to you after the election, have you any reason to believe that more than half of the colored people voted the Democratic ticket?—A. I have every reason to believe a very large number voted the Democratic ticket.

Q. But you would not like to swear that more than half voted the Democratic ticket?—A. Not on my oath I would not, but if I was not on my oath I would be more positive.

Q. If one-half of the colored people vote the Democratic ticket in this parish, would they possibly be in any danger from the other half, or would the other half be strong enough to influence and intimidate the other half that voted the Democratic ticket?—A. Well, yes. They might expect danger at night; there is such things as killing men in secret; laying wait and killing them; these creatures have no mind of their own; they would select that man, particularly if they thought he had done them any bodily injury.

Q. If half of the colored people voted the Democratic ticket and many of their leaders, would they not be strong enough to protect themselves from the other half?—A. If they didn't expect personal danger from the other half, they would expect danger from them—secret—in the dark; they would waylay them and bushwack them.

Q. Are not the colored people very apt to follow their leaders?—A. Some do. I would be very sorry for the creed of religion to say they would not follow them, because I know their leaders wish for them to follow if they do not preach to them the doctrines of Christ, but they don't seem to follow it, for five minutes after you will catch some of the members who will go out and steal. I have known of negroes who had their own homes and wives go off and have other men's wives; the morality of the negro is like dust; it can be blown away. Their leaders will tell them that they must follow in the steps of the Lord, and after the meeting they would go to places of fornication where all uncleanness was going on.

Q. Have you ever heard of any colored man who voted the Democratic ticket in this parish being murdered for having done so?—A. No; but I have known of them trying to murder them.

Q. You refer to the case of Wilson?—A. Yes; and I have known of violence to others.

Q. Did you see the affair of Wilson?—A. I did not see it when it first occurred, but I was sent for in a hurry to him when he was in Claus Keoper's store, and they were there like prairie wolves around that store yelling, "Kill the damn son of a bitch that voted the Democratic ticket," and trying to break in the store. I said, "If one of you come in here I will shoot you. I will protect this man, as he is my patient." The poor fellow was worse scared than you would be if you were on the prairies with the wolves after you.

Q. Who is regarded as the leading colored Democrat in this parish?—A. God knows who I should say. I don't know that there are any leading colored Democrats here. If I mentioned any I should say Grant. He is one of the few who pays his bills, and who preaches Christ's doctrine, and votes the Democratic ticket; they turned him out of their church because he voted the Democratic ticket. Grant was too pure and too good for them, and they locked the door on him.

Q. Is not Stewart regarded as one of the prominent Democrats in this parish?—A. I declare I don't know.

Q. Is Cephas Lewis a prominent Democrat?—A. He stirs about pretty briskly during election times, but I believe Wilson and Grant are the most prominent.

Q. Are you engaged in planting?—A. I am not.

Q. Have you any colored men in your employ?—A. I have a boy in my employ; that is, my son employs him.

In reply, by G. R. WALKER, counsel for contestee:

Q. When you spoke of the negroes in this parish being driven by the party whip, what did you mean?—A. I meant the political power exercised over them by their leaders.

Q. You don't mean to say that there has been any beating of persons, or molestation, or any ill-treatment of them since the war?—A. No, sir; they have been treated as kindly as possible since the war; much better than they deserved. It is an astonishing fact to me how kindly we have treated the negroes. I meant the political Republican whip. I heard a negro up at the Four Mile Church say that he looked upon Mr. Mackey to be as good as God, and as good to them as Jesus Christ.

Q. You did not go up to the poll and see the ticket that each voter voted?—A. No, it was not my province.

Q. You, therefore, cannot swear they voted the Democratic ticket?—A. No, sir.

Q. You can only form your conclusions from statements made to you by them and from their actions?—A. Yes; that is, by my opinion.

Q. You were asked how it was that if so large a number voted the Democratic ticket that they could be in fear of the balance; did not those voting the Democratic ticket chiefly do it secretly?—A. Yes.

Q. Could they then know how many others were in the same fix with themselves?—A. I don't think they could.

Q. They didn't know then, if I understand you—that is, the great power of the Republican party was unaware of their own political power?—A. Of course.

Q. The base timidity of the negro, after voting the Democratic ticket, and the loud-mouthed intimidations by the Republican negroes, were

causes of this ignorance on the part of the colored Democrats of their own power?—A. Of course they were not aware of it. Two men have gone over to one and the other and spoke of voting and had the Democratic ticket in their pocket, and the other a Republican ticket, and they not know it.

Deposition of Dr. Joshua Toomer.

MOUNT PLEASANT, November 19, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

Dr. JOSHUA TOOMER (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Q. Question. You are a doctor of medicine?—Answer. Yes, sir.

Q. Q. And a planter in this parish?—A. Yes, sir; about a mile and a half from here.

Q. Q. You own another plantation about 13 miles from the village?—A. Yes, sir; about 11 or 12 miles.

Q. Q. You have been a large planter, have you not?—A. I had a good many hands employed; about thirty-odd hands.

Q. Q. You have lived among the colored race all your life?—A. Yes, sir.

Q. Q. You are very friendly with the colored people?—A. Yes, sir.

Q. Q. Great harmony between you and your men?—A. Yes, sir; perfectly so. There were a good many who voted the Republican ticket before, that afterwards, by my talking to them, changed and voted the Democratic ticket, but they told me I must promise not to let it be known how they voted. Four or five of them said they didn't mind if it was known how they voted at the poll. At the last election a good many told me that they were afraid to vote it openly; that they did not want it to be known that they would do anything of the kind, but they would vote it to please me, but they didn't want it known.

Q. Q. Did you take any interest in the primary election between Hall and Walker?—A. Yes, sir; I used all my influence for Walker against Hall. I objected to Mr. Hall because he left this parish, and I told him so.

Q. Q. Did you bring a large number of Democrats from the colored race to the primary election to vote for Walker?—A. I brought a large number of colored people that voted for Mr. Walker.

Q. Q. Have you any reason to believe that there was any change among them at the last election?—A. No, sir.

Q. Q. Do you know of a large number of colored Democrats in this parish?—A. Yes, sir.

Q. Q. Some private and some open?—A. Some are open and some are private.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Q. How old are you?—A. I am 69.

Q. Q. How far are your two places from each other?—A. One is just across the creek here, opposite Lucas Mill, and the other is higher up, called the Bay House place.

Q. Q. Do you plant them both yourself?—A. No, sir; I plant this one

across the creek here, but I rent the other one out; the people gave a contract to plant it.

Q. About how many men have you got on the place you plant yourself?—A. On this place there is 26 contract hands.

Q. On your place?—A. On this place.

Q. Of those 26 men on your place how many of them voted the Democratic ticket?—A. They are not all men, but there are 23 men and 3 females.

Q. Of the 23 men that work on your place how many voted the Democratic ticket?—A. I cannot tell you how many, but I can tell you how many promised to vote; but the crowd was so large they might have had two tickets in their pockets, and it was hard to say whether they voted the Democratic ticket or the Republican ticket.

Q. How many promised you to vote the Democratic ticket?—A. Over half; four of those men voted the Democratic ticket openly, but one of them that formerly belonged to me had to vote on Sullivan's Island. The crowd was so great that I tried to get them in at the side door, and they said no, I could not come in that way. One of my men, that used to belong to me, named Isaac Green, came to me and showed me his ticket, and said, "I am going to vote this ticket." I said, "If you are going to vote that ticket, you will have to go to Sullivan's Island." He had been a Republican before that.

Q. Do you know of any colored Democrats in the parish except those on your place?—A. I have not been in the upper part of the parish so long that I cannot tell you. A great many of the people know me here, and I went down to the poll about 10 or 11 o'clock; there was a man by the name of Lesesne who had been talking to them, and they came to me and asked my opinion, and I gave it to them. I found there was no chance to get to the polls, so I went home and got my dinner. After these men asked my opinion they said, "Doctor you are right; the best way is not to bother yourself about Democrat or Republican, but vote for the best men."

Q. Your advice to them was to vote for the best man?—A. Yes, sir.

Q. Whether he was a Republican or a Democrat?—A. I have not seen a good Republican yet. I voted for Charley North, but the reason I voted for Charley North was it was simply Hobson's choice. I voted for Green the same way that time I voted for Charley North for councilman. At this election we had for aldermen, there was no Republican or Democratic principal; that time they gave up the color line.

Deposition of T. A. Huguenin.

MOUNT PLEASANT, November 19th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

T. A. HUGUENIN (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. What is your name?—Answer. Thomas A. Huguenin.

Q. What is your occupation?—A. I am a farmer by occupation.

Q. Are you the T. A. Huguenin that was in the command of Fort Sumter during the late war?—A. Yes, sir.

Q. You are a descendant of the first settlers of this parish ?—A. Yes, sir ; on my father's side. My mother's side first settled in Georgia.

Q. Are you a county commissioner at present ?—A. Yes, sir ; chairman of the board.

Q. Were you at the poll on the day of election in November, 1878 ?—A. Yes, sir ; I was there.

Q. Did you see R. C. Browne, the Republican supervisor ?—A. I saw a mulatto man there. I suppose his name was Browne.

Q. Did he appear to act as supervisor ?—A. He said he was the supervisor, but I don't know what he was.

Q. You saw Browne's position at the poll ?—A. If you will admit that this man was the supervisor, he was sitting at the window.

Q. How far from the ballot-box ?—A. Two to two and a half feet from the ballot-box ; so near that he could put his hand on it.

Q. Please state why you say he could put his hand on it.—A. That morning I did not arrive until half-past nine o'clock at the poll, and voted a tissue ballot. As I attempted to vote he put his hand out to stop me, and I told him he was a damn son of a bitch, and if he attempted to hinder me from voting I would knock his head off. I then put my hand in my pocket and showed him a bundle of these tickets.

Q. If R. C. Browne has testified that he did not see the tissue ballot until the box was opened at night, was his testimony true or untrue ?—A. It must have been false; he saw the one I put into the box. I then handed him a bundle of 50, and he inspected them and handed them back to me.

Q. Did you see the count and canvass that night ?—A. I was there 10 or 15 minutes before the final count was closed.

Q. Was the box opened publicly ?—A. It was. I was there with 10 or 15 men representing our side of the question, and at least 10 or 15 representing the Republican side.

Q. Were the tickets first counted ?—A. The box was opened, and a handkerchief or something was put over the box, and they were taken out one by one, and they were counted out and put in a pile.

Q. When they were counted out in this way were any tickets found folded together ?—A. Yes, sir ; several.

Q. When those tickets were alike what was done ?—A. Sometimes they were alike and sometimes different.

Q. What was then done ?—A. When they were alike they were destroyed.

Q. When they were alike was not one kept and the others destroyed ?—A. I am not certain about that ; I was not inside the barrier at all.

Q. You don't recollect how that was done ?—A. No, sir ; I know when the tickets were unlike they were sometimes destroyed. The fact is, I was not there for that purpose, to look at that thing at all.

Q. You did not make a note of that fact ?—A. No, I did not.

Q. When the tickets were drawn out, when the excess were being destroyed, were they open and unfolded, or folded ? Could you see what tickets they were ? Or were they folded so the supervisors could not see them ?—A. I could not tell in the handling of the tickets what tickets were destroyed or put back. I am confident that the managers could not tell what tickets they were at all ; they knew what the law was, and I am satisfied they did what the law required them to do.

Q. I am not speaking of the destruction of the illegitimate tickets, but about the excess ; when the tickets were drawn out and put back the second time for the destruction of the excess, do you recollect whether the tickets that were destroyed were exposed to public view, or

whether they were destroyed so that no one knew what was destroyed?—A. Mr. Venning picked the ticket out, and held it over the candle.

Q. Was it folded or unfolded so it could not be seen?—A. Sometimes it would be unfolded, and sometimes it would not, but the person did not intentionally unfold it, and he would burn it.

Q. When those tickets were put back into the box the first time, before the destruction of this excess, were they put back into the box unfolded or folded up?—A. My impression is they were in a pile, and they were put right into the box.

Q. Were they folded or unfolded when they were put into that pile?—A. They were folded. When they were taken up they had to be unfolded to read who was on them.

Q. Was it not necessary to open them to see whether any was folded within?—A. When they were first taken out of the box?

Q. Yes.—A. Yes; to see if they had a bundle of tickets in them you had to take them out; some of the large tickets had many tickets in them. I saw them take the large tickets out, and take out these small tickets. Besides the large tickets, there were a great many other tickets voted that day. I mean in the character of paper.

Q. When Mr. Muirhead was counting out the tickets the first time, did he not open them?—A. He did, but not to read them.

Q. When he put them in this pile, did he close them again before putting them there?—A. I cannot say positively as to that; I don't recollect.

Q. But you are positive that when they were destroyed they were destroyed so quickly you could not tell what they were?—A. No, sir.

Q. Could Browne tell what the tickets were the short time when he held them in his hand?—A. He could not tell the reading on them, but he could tell whether it was a large or small ticket; but as to the character of the ticket or color of the ticket, he could not tell, because the light was so bad.

Q. Was this a very large hall?—A. Yes, sir; larger than this.

Q. A hall 25×14 ?—A. Fully that; it is the hall down yonder; you can measure it any time.

Q. Are there many colored Democrats in this parish?—A. Yes, sir; a good many; I know a good many myself.

Q. Are they all open and avowed Democrats?—A. No.

Q. Are there a large number not open and avowed Democrats?—A. There are a number who are not known to be Democrats, or known by yourself.

Q. Why don't they avow themselves openly?—A. For fear of religious and other persecutions.

Q. In 1876 was there not a great deal of violence?—A. Yes, sir.

Q. In 1878 was not the violence lessened by the occupation of the State by Democratic powers?—A. Yes, sir; I guess they knew we were prepared for them.

Q. Was the persecution as open in 1878?—A. Not so open, but I don't know what may have been done secretly.

Q. Were you on the Hampton parade in 1876, in Charleston?—A. Yes, sir.

Q. Are you cognizant of the threats on that occasion, on the wayside, against colored Democrats?—A. Yes, sir, I know well; I saw them when they were threatening to take some from our ranks.

Q. Was this threatening continued in 1878?—A. Not to so great an extent.

Q. Does it still exist, however?—A. Yes, to some extent.

Q. In your opinion, the reason that the negro will not avow themselves Democrats is from the intimidations of their fellows?—A. Yes, and the instigations of their leaders and intimates. I am confident of that. I have got a man that has been living with me eleven or twelve years; he is a black man; he has not a drop of white blood in him, and he is perfectly honest and straightforward; he has lived with me eleven or twelve years, and that man has not voted during the entire time, because he wanted to vote with me, and he couldn't do so because he was afraid.

Q. And he did not vote at all on account of fear?—A. Yes, sir. He is now living on my plantation; it is more than his life is worth to vote the Democratic ticket. They have killed his horse and cows, and yet he stuck to me.

Q. Is such ill-treatment uncommon?—A. His is a very uncommon case, because he has been persistent in doing what he thought was right. I know of a great many other cases that are not of such long standing as his in the parish.

Q. You know of other cases where the same ill-treatment has occurred?—A. Yes, sir.

Q. Your plantation is some distance from here?—A. Twenty-one miles.

Q. Nearer the village a colored Democrat cannot be more avowed on account of the increase of the white population?—A. There is no white population around there—very few.

Q. Are the colored people, as a rule, notorious criminals and murderers?—A. No, I don't think so; because they have not the courage to make them so; but at lying and stealing they are perfect adepts at that.

Q. Like all other semi-savage races, they have no respect for *meum et tuum*?—A. They always know what *meum* is, but not what *tuum* is; they believe in that part of the law that possession is nine-tenths of the law. I have been born and raised with the negroes. I am a little over 40 years of age, and have been with negroes since I have been born. I would trust my family with them, but that same man that I trusted my family with would go out and steal a pig from me, or he would tell me a lie immediately.

Q. I understand you, then, that they are like all semi-civilized races, not very particular of their ideas of veracity?—A. I have at home here a man who would defend my family with the last drop of his blood, but if I put a piece of meat down he will steal it—that is the negro. He will defend my things until he wants them himself, and then he will take them.

Q. If a large mass of the ignorant colored population of this parish should swear that they voted the Republican ticket, would their testimony so given be, in your mind, conclusive proof of the fact?—A. No; from the best reason, they don't know what ticket they voted. There is not one in two hundred that know what ticket they voted. In the second place, they don't care, and the third place, they knew that it was to their interest to vote with us, but they did not dare to say so at the time.

Q. Do you know if any large Republican tickets were taken from the box with small tissue tickets folded inside of them?—A. No, sir; I don't know.

Q. Everything that you saw about the poll that day was fair or unfair?—A. Perfectly fair. Only one thing I saw, that white people and black people could not vote on account of the crowd that was pushing them, and we had to send them over to Sullivan's Island. Every man

on my farm voted the Democratic ticket that day, and they all voted on Sullivan's Island.

Q. Is the abuse of colored Democrats a matter of common occurrence on the streets?—A. Yes, sir.

Q. Can you give the general tenor of this abuse in language, or is it just general objections?—A. They call them damn Democratic negro, and all that sort of thing.

Q. Is there anything else for the benefit of Mr. O'Connor that you desire to testify about?—A. I don't know of anything.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Were you not one of the candidates on the Democratic ticket at the election in regard to which you are now testifying?—A. Yes, sir.

Q. When the managers began the count and canvass of the votes at the close of the election, did they not first, in order to enable them to count the whole number of the votes in the box, take each ballot out of the box and first unfold it?—A. Really and truly, I cannot answer that question; it has been a very long time since then. I was not there for that purpose. I did not go there for to watch the votes. I went there for an entirely different purpose. I did not look into those matters so particularly as to give you such answers as would be satisfactory. If I knew I would not hesitate to tell you.

Q. Then you cannot remember exactly what occurred in regard to the counting and canvassing of the votes?—A. I cannot recollect the details in regard to the opening and shutting of the polls. What I told you in my original testimony is as far as I can recollect. I don't place any great stress upon that myself, because it has been about a year ago, but I remember that the ballots were put into those piles, and then put into the box, and when they were burnt they were just taken out from under the handkerchief and held up to the candle and burned, and no one saw what was burning.

Q. When they were taken out of the box to be burned, I mean when the excess was taken out, were not all the ballots unfolded?—A. I cannot say that positively.

Q. Could the managers possibly have counted the whole number of ballots in the box without unfolding them?—A. I did not notice that.

Q. Were not all the ballots put back into the box and the excess then drawn out?—A. I suppose, but I don't know, they were just put back into the box, and taken out one by one and burned.

Q. Whether they were folded or unfolded you cannot now positively state?—A. No, sir.

Q. They may have been folded or unfolded so far as you recollect?—A. As I told you, I was not there to look into those matters at all.

Q. Were not large tickets found in the box with small tissue tickets in them?—A. I don't recollect.

Q. But did you not state that you saw tissue tickets fall out of larger tickets?—A. Sometimes they were all mixed up together; the managers would take them and then take them out. Whether they were folded in a large ticket or all folded together I don't recollect.

Q. You testified that you voted the first tissue ballot voted that day?—A. I presume that it was the first tissue ballot; this colored man attempted to put his hand upon it, and I said, don't you dare touch that ticket, or I will break your neck; it was after I had taken the oath. I think he said, "I beg your pardon." I then pulled out from my pocket this bundle of tickets, and said you can look at them, that is the ticket I voted. I am under the impression he said those are the first tissue

I have seen. I had my leg broken some time ago, and as a special favor they allowed me to come inside.

Q. Where did you obtain these tissue tickets?—A. From the ralliers at the wharf; there were a great many ralliers with these tickets and all sorts of tickets; you know how it is in election; the bundle I received I pulled one out and voted it, the balance I showed this colored man.

Q. Did you vote more than one ticket?—A. I distinctly told you I voted one ticket and the balance I showed to this man. I can swear that I voted but one ticket.

Q. Did you vote more than one ticket?—A. In the first place, I challenge your right to ask the question; but as I said before, and repeat again, that I voted but one ticket.

Q. You testified that there were four or five distinct kinds of tickets in the box; now are you not mistaken; were there any more than three kinds of tickets in that box—the large Republican ticket, the large Democratic ticket, and the small tissue tickets?—A. I think that is the whole voted.

Q. Were there more than three kinds found in the box?—A. I don't know. I had nothing to do with it; I was a candidate and had nothing to do with that thing.

Q. When you state that there were four or five different kinds of tickets, you mean they were different kinds of paper?—A. There was a variety of tickets; there may have been five hundred for what I know.

Q. Do you know of any case of violence or intimidation by colored men towards colored Democrats in the last election of 1878?—A. You must explain that.

Q. Do you know of any attempts on the part of colored men in the election of 1878 to prevent other colored men from voting the Democratic ticket?—A. I know of the most tremendous abuse of them on the public streets of Mt. Pleasant; but there was no laying on of hands, because we had sworn to protect our colored Democratic friends and they didn't dare touch them. But I know this: several, not several but a good many, of them got Democratic tickets from me, those very tissue tickets. I had to give them to them on the road on my way from my farm down here, and they told me they did not want others to see them; a great many of them were going to vote the Democratic ticket because I was a candidate myself.

Q. How many men worked on your farm that time?—A. Five or six. I was only planting a vegetable farm at that time.

Q. About how many colored voters are in this parish?—A. I don't know.

Q. Are not the number about five or six hundred, or did not about that number vote at the last election?—A. I don't know; my opinion is that five sixths of the colored people voted at the last election.

Q. Estimating the number of colored voters in this parish to be about one thousand, then the opinion you have expressed that only one in two hundred of them could read, then no more than five colored men in this parish could read?—A. What I mean by that is that a very small portion know anything about the ticket they voted. If you put a jackass on the ticket they would vote for it; they are a damn set of fools, and don't know their asses from a shot-gun; some of them can write their names, but you write their names for them and they cannot read it; they can write it after their own fashion; one of them, who professes to write his own name, if you write it for him he cannot read it.

Q. Are there not more than five colored men in this parish that can read?—A. I think so.

Q. Are there not more than one in two hundred that can read?—A. Spelling out their names is not what I call reading; I don't believe they can read what they write; as to reading, they know nothing more about it than a savage; there are no more than five or six here that read and know what they read about; there might be some preachers that can read, or pretend to read.

Q. Don't you think there are more than five that can make out the names on the ticket?—A. No, sir; in the first place, some of those tickets were printed in small letters and some in capital letters, and they are not accustomed to reading capital letters.

Q. When you speak of the unreliability of negro testimony you speak of it apart from politics?—A. Apart from politics, of course. Politics was not considered in the matter; he asked me as to their reliability in taking an oath.

Deposition of T. H. J. Williams.

MOUNT PLEASANT,
November 19th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

T. H. J. WILLIAMS (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. What is your occupation?—Answer. I am superintendent of roads and bridges, district 4, Charleston County.

Q. Were you at Mount Pleasant during the national election of November, 1878?—A. I was.

Q. What time did you arrive at the poll?—A. I arrived there, I suppose, about ten minutes of six.

Q. Did you see the polls opened?—A. I did.

Q. And the box was publicly exposed?—A. It was.

Q. State the manner of exposure.—A. The box cover was opened and they said everybody that wanted to look into it could look.

Q. The box was shaken publicly outside the window?—A. It was.

Q. If any ballots were in the box would they have been shaken out?—A. They would have.

Q. Was the box publicly closed?—A. Yes, sir.

Q. And the balloting begun immediately?—A. Yes, sir.

Q. Were you present all the time?—A. Yes, sir.

Q. How close were you to the box?—A. Four or five feet.

Q. Did you see any fraud or impropriety in the closing of that box?—A. No, sir; I did not.

Q. Were you in a position to see?—A. I think I was.

Q. Was there any obstruction between you and the box?—A. There was a plank.

Q. You allude to the barrier around the table for the men to vote?—A. Yes, sir.

Q. That barrier did not come beyond your waist?—A. No, sir.

Q. Was the window wide open?—A. Yes, sir; it was wide open.

Q. Was the box directly in the center of the window?—A. Placed in the window as soon as the box was closed. Mr. John Fell was the first man that stepped up and voted.

Q. When the box was closed, is it true that it was 20 minutes after six?—A. I never got there until about 10 minutes of six, and it was closed some time after I got there.

Q. What hour was the box closed?—A. I saw several men with watches on, and they said it was six o'clock.

Q. At what time did R. C. Browne arrive at the polls?—A. R. C. Browne arrived, I suppose it must have been about 5 minutes after six. On my way down to the poll I passed Browne on the street standing talking to a colored man. About 15 minutes after I got to the poll he came in.

Q. R. C. Browne has represented that the poll opened at 20 minutes of six?—A. That is not so.

Q. Do you know that the time was not 20 minutes to six?—A. I know it was later than that.

Q. Please state, when that poll was opened, whether you could see, standing by the ballot-box the men plainly, say 60 feet off, at the further end of the piazza?—A. The piazza is not 60 feet off, but I could see the men plainly from one end to the other.

Q. Was it 40 feet?—A. I could see to the end of the piazza, whether it is 50 or 100 feet.

Q. When R. C. Browne arrived at the poll where did he place himself?—A. He went immediately into the room where the managers were.

Q. On leaving that room, was he expelled by force?—A. He was not; he left of his own free will.

Q. Please state the exact circumstances of his departure.—A. He went in the room and Mr. Muirhead said that the managers had decided that the outside was the place for the supervisors; then Browne got up and immediately left.

Q. Was any effort made to put Browne out by Mr. Muirhead or anybody else?—A. I did hear some one say, "If you want him put out we will have him put out." I don't think Mr. Muirhead said so. But Mr. Muirhead told him he could not stay there with his consent.

Q. Did Mr. Muirhead tell him to go?—A. He said he could not stay there with his consent.

Q. Did any constable put him out?—A. No, sir.

Q. Was any hand laid on him?—A. No, sir. He said he did not intend to be bulldozed, and he then went outside.

Q. When outside, did he put himself in a better position than before?—A. A better.

Q. What was his position inside?—A. Behind the managers.

Q. What was his position outside?—A. Immediately in sight of the box.

Q. During the whole day, did he have every opportunity of inspecting the box?—A. Yes, sir. He left during the day and put a colored man in his place.

Q. Did you witness the election the whole day?—A. No, sir; not the whole day; I left and went home for dinner.

Q. Off and on, while you were there during the day, was everything fair as far as you could see?—A. Yes, sir.

Q. Did you see the count and canvass at night?—A. Yes, sir; I did.

Q. Was the box opened in the presence of the Republicans?—A. When?

Q. That night.—A. Yes, sir; Democrats and Republicans were there mixed.

Q. Was the count and canvass conducted fairly?—A. Yes, sir.

Q. Were the tickets counted before the canvass?—A. Yes, sir.

Q. And then put back into the box?—A. Yes, sir.

Q. Then the canvass occurred?—A. Yes, sir.

Q. When this canvass occurred did the destruction of the excess tickets precede the canvass first?—A. Not until after.

Q. How did they destroy the excess?—A. They destroyed them by withdrawing them.

Q. That was prior to the canvass?—A. Yes, sir.

Q. In the drawing and destruction of the excess, were the tickets drawn out and folded before burning or not?—A. Unfolded before burning? You ask if they were unfolded before burning?

Q. Yes.—A. When they came out separate they were burnt, but when two or three came out folded together they were opened.

Q. You are conflicting in your mind when the tickets came out folded together?—A. Yes, sir; that was what I was looking to.

Q. I alluded to excess, not to the destruction of the legitimate votes. When the legitimate votes were destroyed, you say, as I understand you, that they were exposed; but when the excess was drawn out were the tickets unfolded before destruction?—A. No, sir; just taken and burnt as they came out.

Q. Could only human being tell what tickets were being burnt?—A. No, sir.

Q. Were the white Democratic tickets when folded similar in appearance to the white Republican tickets?—A. They were; they were very much the same; the fact is, you could not tell them apart.

Q. Were the tickets unfolded before destruction, when the excess was drawn from the box?—A. No; they were not unfolded; as they were taken out they were burnt.

Q. You are positive they were destroyed without the opportunity of any one seeing their face?—A. I am certain.

Q. Is it possible for R. C. Browne to have counted the number of Republican tickets drawn out?—A. It was not possible.

Q. Why not?—A. How could he distinguish one from another; they were very much the same; there were red Democratic tickets as well as red Republican tickets. That's the ticket I voted (handing counsel for contestee ticket, and same put in evidence).

CHARLESTON COUNTY.

For Governor.

WADE HAMPTON.

Lieutenant Governor.

W. D. SIMPSON.

Secretary of State.

R. M. SIMS.

Attorney General.

LEROY F. YOUMANS.

MACKEY VS. O'CONNOR.

Comptroller-General.
JOHNSON HAGOOD.

State Treasurer.
S. L. LEAPHART.

Superintendent of Education.
HUGH S. THOMPSON.

Adjutant and Inspector General.
E. W. MOISE.

Congress—Second District.
M. P. O'CONNOR.

State Senator.
RUDOLPH SIEGLING.

Representatives.
G. LAMB BUIST.
J. FRANCIS BRITTON.
C. R. CASSIDY.
JAMES M. EASON.
S. C. ECKHARD.
W. T. ELFE.
JOHN F. FICKEN.
JOHN GONZALEZ.
WM. HENDERSON.
C. R. MILES.
A. S. J. PERRY.
B. H. RUTLEDGE.
C. H. SIMONTON.
JAMES SIMONS, JR.
REV. WILLIAM SMALLS.
GEORGE R. WALKER.
J. B. WIGGINS.

Probate Judge.
W. E. VINCENT.

County Commissioners.
T. A. HUGUENIN.
W. H. CAIN.
PHILIP FOGARTY.

School Commissioner.
REV. P. F. STEVENS.

Q. In fact, was not the long ticket voted at that poll very commonly, than the red-ink ticket?—A. I saw more of those tickets than any other.

Q. Is it true that the Republican ticket differed from the Democratic ticket, from the reason that the Republican ticket was printed in red ink and the Democratic ticket in black ink?—A. No, sir; it is not true; it is the ink it was printed in.

Q. And the Republican ticket was printed in the same ink?—A. The Republican ticket was printed in the same ink as that ticket there.

Q. State whether you heard any complaints made by the Democrats at the time of the drawing of the excess by Mr. Venning.—A. I did hear one say they were burning all the Democratic tickets, or tissue tickets, but I don't know who said it.

Q. The Democrats complained that Mr. Venning was acting unfair to them?—A. Yes, sir.

Q. Were any tissue tickets burnt?—A. A great many.

Q. Were the Democrats indignant when they saw that their tickets were being destroyed?—A. Yes, sir.

Q. Are there many colored Democrats in this parish?—A. A great many.

Q. Is it true that William Stewart is the only colored Democrat in this parish?—A. No, sir, it is not true; if I should tell Mr. Mackey about colored men that voted the Democratic ticket he would tell me so not so.

Q. There are a larger number of colored Democrats than William Stewart?—A. I should say there were.

Q. Is Cephas Lewis a known colored Democrat?—A. Yes, sir.

Q. Clarence Brown?—A. Yes, sir.

Q. Guy Simmons?—A. I won't be positive about him.

Q. Joe Wright?—A. Yes, sir.

Adam Wright and Billy Williams?—A. Yes, sir; and a great many others.

Are you not aware of the fact that at the primary election between Adam Walker, a large number of colored Democrats came down from Beck's place?—A. Yes, sir.

Are you not aware that at that election a large number were sent there by Dr. Toomer to vote for Walker?—A. I am not positive about that.

Is Adam Washington a Democrat?—A. I cannot say; it is not safe to say whether he is or not. I am in duty bound not to call some names I knew that voted the Democratic ticket.

Is Richard Brown a colored Democrat?—A. They say he is.

The ones I have asked you about are open Democrats?—A. Yes,

Do I understand you to say there are a large number who are not Democrats?—A. Yes, sir, there are a large number of them that don't care for it to be known.

Why is it that there are a number who do not wish their names known as Democrats?—A. I don't know what is the reason, but now there were a great many; I don't know whether they were induced or not, but I know it is done. But I know they voted the Democratic ticket secretly.

Do you think it is mere caprice with them, that they don't wish their names known?—A. I cannot say why they do not vote it above all. I know there were men that voted the Democratic ticket that others thought voted the Republican ticket.

Q. Were there any number of these that you knew done this?—A. There were more than one.

Q. Do you regard it as a matter of honor not to name them?—A. I do.

Q. Have they anything to fear from your naming them, or did they think that they would have anything to fear from your mentioning them?—A. They must have feared the Republican party; they have nothing to fear from the Democratic party.

Q. Why should they fear the Republican party?—A. I cannot tell.

Q. Has there been any intimidations in this parish at all of colored men, either morally or physically?—A. Yes, sir, there has been intimidations as far as trying to scare them, and so on.

Q. By what party?—A. The Republican party; by the demonstrations amongst them, and so on.

Q. You say there has been intimidations by Republicans?—A. Yes, sir; by threats, and so on.

Q. Social ostracism; colored people among themselves socially ostracize colored men that vote the Democratic ticket?—A. Oh, yes, sir; I think so.

Q. Did you see R. C. Browne up to the time of his departure on the night of the election?—A. Yes, sir; he said he was going on Captain Cherry's boat.

Q. Did he make any remarks about the election?—A. He said everything passed off very nicely.

Q. Did he file any protest?—A. No, sir; I did not see any.

(Cross-examination by E. W. M. MACKEY, contestant:

Q. In drawing out the excess of tickets, were both Democratic and Republican tickets drawn out?—A. They were drawn out as they came; something was spread over the box, and Mr. Vennin, acting as clerk, drew them out.

Q. Of those tickets drawn out were some Republican and some Democratic?—A. I did not see the tickets.

Q. So, in drawing the excess you could not tell whether any Democratic tickets were drawn out?—A. You mean to be destroyed?

Q. To be destroyed?—A. As they came out they were destroyed.

Q. I mean when they were drawing out the 500 and odd, could you distinguish whether they drew out any Democratic tickets or not?—A. The Republican and Democratic tickets were exactly alike, and you couldn't tell; they were both printed in red ink.

Q. Did you hear any Democrats express dissatisfaction because of the amount of Democratic tickets that were being drawn out?—A. Some did when they were burning them; they said they were destroying more of the Democratic tickets than the other tickets.

Q. Were more tissue tickets drawn out than the other tickets?—A. I don't know; I did not count each one separate.

Q. You cannot tell whether or not the majority were tissue tickets or not?—A. I cannot tell.

Q. When these tickets were being drawn out, in excess, how were they folded; were they folded as they were originally deposited, or were they folded lengthwise?—A. Yes, sir; they were folded that way.

Q. I mean when they were drawing out the excess of votes over the names on the poll list?—A. The tickets were first taken out and counted.

Q. Were they then unfolded?—A. Yes, sir.

Q. Were they folded again before putting them back into the ballot-box?—A. They were thrown right down.

Q. And then put into the ballot-box?—A. I do not understand your question.

Q. Please state exactly how the managers of election proceeded to count and canvass the votes after the ballot-box was opened?—A. I remember seeing the box opened and to my recollection the votes were counted.

Q. In order to ascertain the whole number?—A. Yes, sir; they ran over the poll list.

Q. That was the first count?—A. Yes, sir.

Q. During that first count to ascertain the whole number were not the ballots when taken out of the box opened at full length?—A. Yes, sir; they were open when they were taken out of the box.

Q. Were they then folded and then put back into the box?—A. When they were taken out they were not refolded and put back into the box; it would have consumed too much time.

Q. Who did the drawing, that is, who drew the tickets out in excess?—A. Mr. Venning was doing the drawing.

Q. Was Mr. Venning a Democrat or Republican?—A. He is a Democrat, supposed to be.

Q. Were you a State constable on that occasion?—A. I was appointed a State constable.

Q. How many other State constables were on duty at that poll on the day of election?—A. There were 16 appointed; I would not be certain. I say I think there were 16.

Q. Who closed the ballot-box in the morning when it was opened and exposed to the public. I mean who closed and locked it?—A. Mr. Muirhead had the handling of the box the whole time I saw it.

Q. Were any persons standing immediately in front of the ballot-box when it was first exposed?—A. Not immediately in front; I was standing next to the door.

Q. Who else was standing outside there with you?—A. I don't remember.

Q. White or colored?—A. White and colored mixed.

Q. Do you know any of their names?—A. Mr. Walker was standing there.

Q. Did you know any of the colored men standing there?—A. No, sir; but they were white and black men.

Q. About how large a crowd was out there when the ballot-box was exposed?—A. I suppose between 5 and 6; perhaps 8 or 10. I know one white man was there—John Fell, because he voted first.

Q. When Mr. Muirhead told Brown he could not remain there inside with his consent and some person said if you want him out we will put him out, was he not a State constable?—A. No, sir.

Q. Do you know who he was?—A. No, sir; but I know he was not a constable, because there were only two State constables there at the time, Mr. James Hamlin and myself; he was sitting inside the room and I was outside.

Q. Can you recollect the exact words Mr. Muirhead used to Browne when the presence of Browne was objected to?—A. "You cannot remain here inside, with my consent or permission." I don't recollect exactly what they were.

Q. You mean that those were his exact words, or something to that effect?—A. Something to that effect.

Q. You stated that Mr. Muirhead said something about the managers' place. State what he said?—A. He said none but the managers were

allowed in the room, and Browne's place was outside. Browne was immediately behind him, and he told him his place was outside.

Q. When Browne went outside how far was he from the window, when he took up his new position?—A. About 2 or 3 feet, immediately on the side of the box.

Q. Did you say you met Browne on your way to the poll?—A. Yes, sir; I met him standing on the street talking.

Q. How far from the poll?—A. I suppose about 40 or 50 yards from the poll.

Q. You say you know of a great many colored Democrats in this parish; can you form any estimate of the number that you do know?—A. I don't know exactly how many there are.

Q. How many colored men do you know of your own knowledge that are Democrats?—A. It would take me too long to name them.

Q. Do you think you know 15 or 20?—A. More than that.

Q. Do you think there are 25?—A. There may be 25, and there may be 500.

Q. Do you ~~think~~ there are as many as 500?—A. I don't suppose there are as many as 500; but I say there may be 25, or may be 500.

Q. Did you see any colored men on the day of election vote the Democratic ticket?—A. I did.

Q. About how many did you see vote the Democratic ticket yourself?—A. I saw a great many, but don't know how many.

Q. Can you form any idea of the number you saw vote the Democratic ticket?—A. I cannot form any idea. I saw some vote that you all thought Republicans; I gave them the tickets, and I saw them vote them.

In reply by G. R. WALKER, counsel for contestee:

Q. You stated in your direct examination that when the tickets were drawn from the box by Mr. Venning and destroyed, that they were so folded they could not be seen?—A. No, sir; they were opened before they were burnt.

Q. When the tickets were taken out of the box for the first time what was done with them; what was the manner of counting them?—A. When they were first taken out of the box, they were unfolded and counted.

Q. You have stated in your direct examination that when the excess was drawn out and destroyed that the tickets were folded and that R. C. Browne could not tell what tickets were destroyed, and you have just this moment stated that before the tickets were destroyed they were unfolded; now I ask you please to explain the apparent discrepancies in your testimony?

(Objected to by contestant as not in reply; and, further, because the witness has been fully warned that he has made contradictory statements, and he is now requested to harmonize them.)

Q. I cannot ask you to explain the discrepancies in your testimony?—A. I did not understand the question, perhaps. I know when they were destroyed they were taken out and not unfolded, and that he could not tell which were destroyed.

Q. When they were put back into the box were they all folded or all unfolded; that is, when the excess was drawn?—A. I am confused about the excess, and counting, and so on.

Q. You have stated that when those tickets were drawn out to be burnt, or otherwise destroyed, that they were drawn as they came.—A. Yes, sir.

Q. Did they come out folded or unfolded?—A. You mean after they were counted?

Q. Yes.—A. They came out folded, and you could not tell whether they were Democratic or Republican tickets, unless they were tissue tickets.

Q. It is a year ago; do you recollect accurately how it did occur? (Objected to by contestant.)

A. No, sir; but I gave you my best belief, as I thought.

Deposition of Ferdinand Cherry.

MOUNT PLEASANT, November 19th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

FERDINAND CHERRY (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. How old are you?—Answer. I am a little over 21 now.

Q. Were you a State constable on the day of election?—A. Yes, sir.

Q. Were at the poll during the election of November, 1878?—A. This last election?

Q. The last national election.—A. Yes, sir.

Q. Did you see R. C. Browne, the Republican supervisor, at the poll?—A. Yes, sir.

Q. Was he there off and on the whole day?—A. Yes, sir.

Q. What was his position at the poll?—A. He was sitting down, taking the names.

Q. Ten feet off?—A. No, sir; two or three feet off.

Q. Was anything between him and the ballot-box?—A. No, sir.

Q. Was the box fully exposed?—A. Yes, sir.

Q. The whole box before the window-sill?—A. Yes, sir; before the window-sill.

Q. Did you see any attempt to conceal the box during the day?—A. No, sir.

Q. Was there any attempt made to depress the box during the day?—A. No, sir.

Q. Do you remember the primary election between Walker and Hall, which preceded the national election?—A. Yes, sir.

Q. Was Mr. Walker, of this parish, a candidate at the primary election?—A. Yes, sir.

Q. Did he not get a large, a very large, vote from the colored people of this parish?—A. I believe he did.

Q. Do you believe the people had any reason to change their vote when the national election came on?—A. I don't think so.

Q. Did you aid in any way in turning R. C. Browne out of the room?—A. No, sir.

Q. Did you see any colored Republican turned out of the room on the day of election?—A. No, sir.

Q. Was everything fair and square, as far as you could see?—A. Yes, sir.

Q. Were you on duty all day?—A. Yes, sir; near the box all the time.

Q. I believe you went off at night?—A. Yes, sir; a little after 3 o'clock.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Did you vote at the last general election?—A. No, sir.

Q. Why not?—A. I was not of age.

Q. You were a State constable, however?—A. Well, yes, sir.

Q. At the last election, as I understand, you were not of age?—A. No, sir; when I went to be a constable I didn't think I had to be of age.

Q. Have you any reasons to believe that all of the colored men that voted at the Democratic primary election also voted the Democratic ticket at the general election?—A. Yes, sir.

Q. Do you know any of them that voted at the primary election?—A. Yes, sir; a good many of them.

Q. Do you know whether the same men voted the Democratic ticket at the general election?—A. That is hard for me to say, for a man might say he voted the Democratic ticket and did not do it.

Q. About how many colored men voted at the Democratic primary election?—A. I don't know.

Q. Do you think there were 25 or 30?—A. I guess about that much.

Q. Many more or many less?—A. There might have been more.

Q. Do you think there were as high as 40 colored men that voted the Democratic ticket at the primary election?—A. I think there was about that.

Q. Did you see any colored men vote the Democratic ticket on the day of election—that is, coming within your own knowledge?—A. I could not say; there might have been many that voted it, but I couldn't see the tickets; they might say they voted the Democratic ticket and at the same time voted the Republican ticket, for all I can say.

Q. How long a distance was there between the ballot box and the position Browne held?—A. About from me to you. I would suppose from two to three feet; I don't think it was more than three feet.

Q. You said about the distance between you and Mr. Mackey; is that not more than three feet?—A. No, sir; I would not say so.

Q. Would you not call it five feet?—A. No, sir; I don't think so. I say from three to three and a half feet.

(Distance actually measured and ascertained to be between witness and contestant three feet and nine inches.)

A. (Continued.) I cannot swear that was the distance, but I think that was the distance.

Deposition of Ernest Farrar.

MOUNT PLEASANT, November 19th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

ERNEST FARRAR (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. You reside at Mount Pleasant?—Answer. Yes, sir.

Q. I believe you take no particular part in politics?—A. That is, no active part.

Q. Are there many colored Democrats in this parish?—A. Yes, sir.

Q. Is it true that William Stewart is the only colored Democrat in this parish?—A. No, sir.

Q. Are there no colored men here that earnestly and hard for the Democratic party?—A. I think they appear to do so.

Q. Are there many who vote secretly for the Democratic party?—A. I would not swear to that; I am not certain of that.

Q. Has there been any intimidations of colored Democrats in this parish morally or physically?—A. I have heard that there has.

Q. Is it not a common thing for colored Democrats in this parish to be threatened?—A. Not down here. I think it is very bad for them to vote the Democratic ticket outside of town. Four miles from here they have been threatened, but it is not done much in town here, with the exception of a few cases.

Q. Are those that acknowledge themselves to be Democrats usually raised in the town or in the country?—A. A good many in the town and one or two in the country. One I know voted the Democratic ticket in the country.

Q. Do you know anything of the beating of Frederick Wilson in 1876?—A. I saw a portion of it.

Q. Did he jump off the wharf or was he thrown from the wharf?—A. I was inside of the house and heard some one say, "Look at a man thrown from the wharf." A member of my family made the remark. I think it was my sister.

Q. State what followed.—A. I went down the street and went to Claus Keoper's shop, and found out that Claus had Frederick in his kitchen. He said his collar bone was broken and he was afraid to go home.

Q. Was there any cause for his not going home?—A. Yes, sir; they were making threats against him.

Q. What were those threats?—A. Some said he ought to have broken his damned neck.

Q. Were there a few of them or many?—A. Many.

Q. Was it an individual quarrel?—A. It was an individual quarrel; it commenced from that, but his being a Democrat it went hard with him.

Q. Did you ever hear anything of the ill treatment of Jim Collins?—A. Nothing that I can positively recollect now. At the Wando bridge I heard they were down on him for being a Democrat.

Q. Do you know anything of the ill treatment of Abram Jordan and other Democrats?—A. Down by the hall I heard him say he was struck with a club for being caught in a Democratic meeting; they said he had no right there; that is what he said he was struck for.

Q. Do you know anything of Bob Williams being molested in the same way and about the same time?—A. No, sir; I do not.

Q. Do you know the colored race very thoroughly—lived among them?—A. Yes, sir; as much as any man in Mount Pleasant. I have had a great deal of experience among them.

Q. Of what you know of their character and of what you know of the state of politics in the parish, would a colored Democrat in your opinion outside of the village vote as a rule a large open Democratic ticket or vote secretly a tissue ticket?—A. My opinion is that I don't think he would be very likely to vote it openly; there are a few that will vote it openly, and there are two that I know that did do it.

Q. Have you heard abuse of colored Democrats?—A. I have.

Q. On the streets?—A. I have.

Q. They speak of them as damn Democrats?—A. Yes, sir.

Q. That is the usual way they speak of them?—A. Yes, sir.

Q. Have you heard their wives and sisters speak against them?—A. I don't mingle with them.

Q. Are not the women against colored Democrats?—A. I never heard any of them speak in favor of them.

Cross-examination by E. W. M. MACKEY, contestant:

Q. When you say that a colored Democrat prefers to vote secretly instead of openly, do you mean to say they prefer to vote a small tissue ticket in preference to a large ticket?—A. I would say if they were left alone and no intimidation—left to their personal judgment—they would vote as they thought proper. In other words, they were actually afraid to be known to vote the Democratic ticket.

Q. Did that fear make them vote a small tissue ticket?—A. I would not swear to that.

Q. You cannot swear to that?—A. No, sir.

Q. Do you think that because of their fear to vote the Democratic ticket that they would be apt to vote 5 or 6 small tissue tickets?—A. No, sir; I do not.

Q. You have mentioned some instances of colored men being interfered with because of having voted the Democratic ticket; did those occurrences take place during the last election, or in the election of 1876?—A. I think the Wando bridge affair was in 1876.

Q. Were not all of them in 1876?—A. I think they were in 1876.

Q. From your experience of the colored people, would you believe a colored man on oath?—A. Yes, sir; I have no reason to doubt them. I know colored men I would believe on oath.

Q. As a general thing, taking every colored man as you meet?—A. No; I suppose you would not believe every white man you meet.

Q. As a general rule you would not believe a colored man on oath?—A. If I thought he knew what he was about I would, but there are some I know I would not believe on oath.

Q. Don't you know some white men you would not believe on oath?—A. I do.

Q. Do you think that half of the colored people in this parish are Democrats?—A. That is hard for me to say; in the parish I don't know.

Q. Do you think there are as many colored Democrats as Republicans in this parish?—A. I think there are more colored Republicans than colored Democrats. I think the majority are Republicans, but there are a good many Democrats.

Q. But not near as many Democrats as Republicans, are there?—A. I don't suppose there are as many.

Q. About how many colored men do you know to be Democrats of your own knowledge?—A. Do you want me to guess?

Q. No, I don't want you to guess, I want you to give me an estimate of about the number of colored men that you know to be Democrats of your own knowledge?—A. I would not attempt to estimate how many colored men in the parish are Democrats.

(Counsel for contestee asks contestant what he means by "estimating of his own knowledge"; does he mean to insist for the witness to state positively what he knows of his own knowledge, or to give a rough estimate of what he knows of his own knowledge.)

Q. What kind of ticket did you vote?—A. I never voted at all.

In reply, by H. E. RAVENEL, counsel for contestee:

Q. What reason had you for voting no ticket?—A. I don't know exactly; I did not take much interest either one way or the other.

Q. Were you unprejudiced entirely?—A. Those are reasons I don't wish to give.

Q. You had no interest in the election?—A. No, sir; I had no interest.

Deposition of Wm. M. Hale.

MOUNT PLEASANT, November 20th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

W.M. M. HALE (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age.—Answer. I was 46 years of age the second day last April.

Q. Where do you reside?—A. Mount Pleasant.

Q. What is your occupation?—A. Farmer at present.

Q. How many acres do you plant?—A. 50 acres of vegetables this year.

Q. Were you present at the election held at Mt. Pleasant in November, 1878, for member of Congress and other officers?—A. I was, sir.

Q. What time did you arrive at the polls?—A. I think in the neighborhood of seven o'clock.

Q. You saw R. C. Browne there?—A. Yes, sir.

Q. The United States supervisor?—A. Yes, sir.

Q. What was his position at the poll in connection with the box?—A. The box at the poll was placed on a level with the window-sill, where the voting was carried on, and the supervisor sat certainly within 3 feet of the box.

Q. Did you have any dealings with the supervisor during the day?—A. On several occasions I relieved him when he wanted to step away.

Q. You sat in his chair?—A. When I took his place, I took the same chair he used to keep the record.

Q. Were you close enough to the poll to put your hand on the ballot-box?—A. Yes, sir.

Q. Had you every opportunity to see the voters deposit their ballots?—A. Yes, sir.

Q. Were there any obstructions between you and the voters depositing their ballots?—A. No, sir.

Q. Was the supervisor's position an exceedingly fair position for him to see the conduct of the balloting?—A. I think that the position the supervisor held was the best that he could have possibly taken to see what was going in the box; he was directly in sight of the box, and not behind it; the men came in to the side and front.

Q. Did you relieve the supervisor by his desire or by force?—A. By his request.

Q. Was the conduct of the election fair and square, so far as you could see?—A. I saw nothing otherwise than fairness from the time I went there to the time they quit.

Q. Did you see the box opened at night upon the closing of the polls?—A. I did.

Q. Was it done in the presence of Democrats and Republicans?—A. Yes, it was.

Q. Openly, publicly, and fairly ?—A. Openly, publicly, and fairly.

Q. Did you witness the count and subsequently the canvass ?—A. I sat by the supervisor, side by side, and saw it until it was closed.

Q. Who first drew out the tickets during the count ?—A. Mr. Muirhead, as well as I remember.

Q. During the destruction of the excess who drew out the ballots ?—A. William McCants Venning. I saw the drawing by Mr. Muirhead in the first instance, and the drawing of the excess by Mr. Veuning, the subsequent proceedings, and the whole canvass.

Q. During the count by Mr. Muirhead, when two tickets came out folded together, that is, when both tickets were alike, what was done with them ?—A. One was destroyed and the other put in.

Q. When they differed ?—A. Both were destroyed; when there was two tickets of the same sort, one was destroyed, and when they were different, they were both destroyed.

Q. Did not Mr. Muirhead destroy Democratic tickets which he regarded as illegal, and which the supervisor thought should have been returned ?—A. I think on two occasions.

Q. When the tickets were returned to the box for William McCants Venning to draw out the excess, were they folded or unfolded ?—A. In taking out the tickets at first, at times there would be found a number of tickets folded together, and they were separated when they were improperly together, and all of them were destroyed. After separation they were put on a form made of paper—a paper tray.

Q. Were they put in that tray folded or unfolded ?—A. Some of them may not have been unfolded; but, as a general thing, they were all folded.

Q. When Venning drew out the excess to be burnt, was it possible for you, or the supervisor who sat alongside of you, to tell whether a white-back large Democratic ticket was being destroyed, or whether a Republican ticket was being destroyed ?—A. I don't think either of us could. I was very anxious to see what was being burnt, and I could not make my mind up clearly as to what was burnt.

Q. Was any complaint made by either party about the destruction of their tickets ?—A. Both parties complained about the destruction of their tickets.

Q. Both parties, then, as I understand you, seemed to think too many of their tickets were being destroyed ?—A. That was the impression.

Q. Did you see R. C. Browne up to the time of his departure from Mt. Pleasant on the night of that election ?—A. I believe there was not 15 minutes in the day that Browne and I was not close together. I made it a point to be close by him.

Q. Was there any molestation or hinderance to him in the discharge of his duty during the day ?—A. Not from the time I went up to the polls to the close.

Q. Was he treated with great courtesy ?—A. Yes, sir; and expressed himself so to me.

Q. Was there every opportunity given to him to supervise the election ?—A. There was no obstacle thrown in his way from the commencement until the close of the poll.

Q. Do you know of any comment made by him ?—A. I do.

Q. Was it favorable or unfavorable to the conduct of the election ?—A. He spoke of it as being as fair an election as any he has ever been at, and he had been treated as well as he had ever been.

Q. His complaint as to his ill treatment there are afterthoughts ?—A. I don't know what they are; I only know what he said before he left; he

expressed himself highly satisfied with the treatment he received, and that the election was carried on very fairly.

Q. Is it true that there is but one negro Democrat in this parish?—A. There is quite a large number of them which I know personally.

Q. Have you not personal influence among the negroes?—A. I cannot say.

Q. Have you no knowledge of their general reputation?—A. A man hardly knows what reputation they have.

Q. You don't like to speak of their reputation in that respect?—A. No, sir.

Q. In past elections have you not influenced a large negro vote?—A. I have known of a great many that voted the Democratic ticket.

Q. By your instigation?—A. Yes, sir.

Q. Have you participated actively in elections in this parish?—A. More or less.

Q. Do the Democratic negroes of this parish, as a rule, like the fact of their voting the Democratic ticket to be publicly known?—A. No, sir; they do not like it.

Q. Why not?—A. I could not answer that.

Q. Do you regard it as a matter of honor to tell or not to tell the names of those who do not wish their names to be known as having voted the Democratic ticket?—A. I would not tell.

Q. Why not?—A. From the fact that I know they do not wish it known.

Q. Why don't they wish it known?—A. I suppose they are the best judges of that.

Q. Give your reasons of thinking so?—A. I suppose they are afraid of the party whip.

Q. If a negro in this parish wish to vote the Democratic ticket, from your experience of their character and disposition, and from the circumstances under which he is placed, would they be likely to vote large Democratic tickets openly, or a small tissue ticket secretly?—A. Well, if they were frightening them, the chances are they would take the small tissue ticket.

Q. Was that room lighted by lamps or tallow candles?—A. I think tallow candles. I remember having to send out and get candles for fear they would burn down in their sockets before they got through.

Cross examination by E. W. M. MACKEY, contestant:

Q. Was the room sufficiently well lighted for you to see what was going on during the counting and canvassing of the votes?—A. Yes; if there had been any irregularity I would have been able to see it.

Q. About how many candles were lit in that room?—A. I cannot say, but the light was sufficient for me to see, and I have not the best pair of eyes in the world. I use spectacles, and did not use them that night.

Q. While the votes were being drawn out and destroyed, how far were you from the ballot-box and managers?—A. By my judgment, about 8 feet.

Q. Did you continue that distance the whole evening, or did you go nearer to them?—A. I remained in the same place, alongside of Brown, the whole evening, after we did leave, and we moved nearer up; we both went side and side.

Q. Were you near enough to see all they were doing?—A. Yes, sir.

Q. While the votes were being drawn out, were not expressions of this kind—sometimes used by Democrats, and sometimes by Republi-

cans, that there goes another Democratic ticket, or there goes another Republican ticket—as the case might be?—A. Both parties expressed themselves that they were drawing out more of one kind of ticket than another.

Q. At times, whenever a Democratic ticket was drawn out, or when a Republican ticket was drawn out, both sides would express dissatisfaction?—A. Sometimes they would.

Q. Do I understand that the Democrats only on a few occasions found fault with the number of their tickets being drawn out?—A. I don't know whether the Democrats did more than the Republicans; I say there were a few times.

Q. Was there much dissatisfaction expressed by the Democrats in regard to their tickets being drawn out?—A. The Republicans appeared to be in the majority, and made the most noise.

Q. The Republicans appeared to be more dissatisfied than the Democrats?—A. They made more noise than the Democrats; they made more noise and fuss.

Q. Did not they make more noise because there was more of their tickets being drawn out?—A. I don't believe they knew what tickets were drawn out.

Q. Didn't they surmise it?—A. I don't think they saw what tickets were drawn, but they must have surmised it.

Q. They seemed to think that more of the Republican tickets were drawn out and burnt up?—A. They express themselves that way.

Q. When the votes were first taken out of the box in order to count them, for the purpose of ascertaining the whole number in the box, was not each ticket, as it was taken out, unfolded?—A. Yes, sir.

Q. What was done with them then?—A. If it was but one ticket, it was folded and thrown on the tray.

Q. Were all of them refolded?—A. I believe that the tickets, with few exceptions, and very few, were put on the tray as they came out of the box; there might have been a few exceptions.

Q. Were any large tickets found with tissue tickets in them?—A. Yes, sir.

Q. Did the tissue tickets fall out of them as they were taken up, or were they taken out by the managers?—A. Every ticket that the managers took out, they were counted, all of them, more or less. I think I have a memorandum of each lot of tickets that were put in the tray.

Q. Then, when a large ticket was found with tissue tickets in it, the tissues were taken out, as I understand, and all of them counted and put in this tray?—A. They were first submitted to the supervisor to give his sanction, to come within the law; on two occasions they went against him, and did object to the Democratic tickets.

Q. You have not answered my question, whether or not, when these large tickets were found with tissue tickets in them, were they all counted and put in the tray?—A. On all occasions when there were not an amount of surplus tickets coming out a ticket, they were counted by the managers, and the question put to the supervisor. My attention was more called to the supervisor than to the tickets. I was there more for that purpose, to see that the supervisor was satisfied, than for anything else.

Q. Were they all counted, or were some destroyed and some counted?—A. As well as my memory serves me, they, on every occasion where there was a surplus amount of tickets found together, they were counted out, the number of tickets, by the managers and referred to the supervisor as to what was to be done, and according to the arrangement be-

tween them and the supervisor it was done; but I cannot remember what was done with those tickets, no more than I could remember that the supervisor agreed with everything that was done.

Q. Were they counted or not?—A. The managers counted on all occasions every ticket that came out with more than one in a ticket; it was then submitted to the supervisor, and agreed upon with him as to what was the law, and what they agreed upon that was done.

Q. Can you remember whether or not those tickets were thrown into the box where the other tickets that were being counted were lying?—A. All tickets that were found bundled together in coming out of the box was submitted to the supervisor, and whenever they agreed they were put on the tray.

Q. Is that the only answer you can give me with reference to that question?—A. Yes, sir.

Q. You stated in your direct examination that you made it a point to be close to Browne?—A. Yes, sir; I wanted to see fair play on both sides, and by being close by Mr. Browne I could feel very much better satisfied that he didn't intimidate in any way, and that was the way I staid there.

Q. Was it an understood thing that you was to remain close to Browne during the day?—A. No, sir; I went there of my own free will.

Q. You remained by him without any previous understanding?—A. Yes, sir.

Q. Could Browne have prevented unfair play in the management of the election?—A. If I had seen anything unfair I should have put my voice in to make it fair.

Q. Did Browne have anything else to do save to record the votes and watch the managers?—A. I don't know that he done anything out of the way there, because everything went on smoothly.

Q. Do you recollect how often during the day you relieved Browne?—A. I think three times, may be four. If you have the original list you can very easily tell from my writing.

Q. When the tickets that were drawn out in excess were burnt, were they not first opened?—A. William McCants Veenung drew the tickets out of the box and handed them to the manager, and the manager burnt them over the candle.

Q. Did not the manager first open each one and then light it?—A. The manager who burnt them just as the tickets were drawn from the box, he lit them to the candle.

Q. Did not the person who burnt the tickets that were being drawn out in excess of the number over the poll-list first unfold each ticket as it were drawn out, that he might the more easily light it?—A. The tickets that were drawn out of the box, that were found improper, they examined them before burning them, as if they were two Republican tickets together one of them was burnt, and if there were two Democratic tickets one of them was burnt. On the second drawing they were burnt promiscuously, without regard to folding or unfolding.

Q. Were any Republican tickets found in that box with Democratic tissue tickets folded in them?—A. Yes, sir.

Q. What did the managers do with them?—A. There was no case of that kind, unless it was submitted to the supervisor and a decision was arrived at by an understanding between the managers and supervisors.

Q. Can you not remember if the Republican large tickets with small Democratic tickets folded in them, whether or not the manager counted all of them or burnt some?—A. I remember in two instances when that was the case, that they were given to the Republican party by the man-

agers, both the tissue and the large tickets; I have a memorandum of it. I made a memorandum of everything that transpired there.

Q. What I want to know positively is this, what was the action of the managers when they found a Republican ticket with Democratic small tissue tickets within it; whether or not they counted one and destroyed the other, or whether they destroyed all without counting any?—A. I can give you but one answer; that is, that it was always put to the supervisor, if my memory serves me as I would like it, the question was put by the managers to the supervisor, and by his agreement it was done. There was nothing done that was unsatisfactory to the supervisor.

Q. Then am I to understand you that that whole count and canvass of the votes were conducted to suit the supervisor?—A. The question was put to the supervisor whether it was in regard to the law or not.

Q. The managers were governed by what the supervisor said. I thought the managers acted with the supervisor?—A. Yes, sir.

Q. Then the supervisor was the judge more so than the managers?—A. No, sir.

Q. Did they in any instance do anything contrary to the wish of the supervisor?—A. The supervisor always acquiesced in everything that the managers done.

Q. How many negroes do you employ in your planting?—A. I hire them just as I want them; sometimes I hire forty, sometimes 25, just as the crop requires.

Q. As a general thing, from your experience of the negroes in this parish, do you find them a race entirely regardless of truth?—A. There is a great difference of opinion about the reliability of the colored people. I found there were a good many more of them that kept their word with me than some of your party.

Q. As a general thing, you have found them to keep their promise to you?—A. To me pretty well.

Q. As a general thing, would you believe a negro on his oath?—A. It depends upon what it is for.

Q. The majority of the negroes in this parish, would you believe them on their oath in a matter in which they had no promise of pay nor any hope of reward?—A. You mean in regard to politics; that is a general question; you can answer it as you please.

Q. Did not some colored Republicans go over to Sullivan's Island to vote?—A. Not to my knowledge.

Q. About how many colored men do you know to be Democrats, to your own knowledge, in this parish?—A. What do you mean by knowing it; what extent of knowledge do you mean?

Q. How many colored men do you know to have voted the Democratic ticket on the day of election?—A. I cannot answer that question, because it was impossible to see; but I can tell you there were at least two or three hundred that promised to vote the Democratic ticket.

Q. Promised you personally?—A. Me and my friends, and we made it known in our caucuses.

Q. About how many promised you individually?—A. About fifty.

Q. Did not many of them that promised you vote the Republican ticket afterwards?—A. I don't know. I know of a great many that did actually vote the Democratic ticket.

Deposition of J. H. Fell.

MOUNT PLEASANT, November 20th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

J. H. FELL (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. Where do you reside?—Answer. Mount Pleasant.

Q. Are you the grandson of Bishop Gadsden, of South Carolina?—A. I am connected with him; he is the grand uncle of my mother.

Q. Are you a son of the late Episcopal rector of this parish?—A. Yes, sir.

Q. What is your age?—A. Thirty-three.

Q. Were you at the poll in Mt. Pleasant, in the national election of November, 1878?—A. Yes, sir; I was there.

Q. Did you accompany Mr. C. E. G. Fell to the poll?—A. Yes, sir; he is my brother.

Q. Please state the circumstances, if you know them, as to Mr. C. E. G. Fell obtaining the watch by which the poll was opened?—A. In the morning very early, it was dark—I remember it was very early—he said he would rather be in time at any rate, on our way down to the poll we stopped at Horlbeck's, and found when we got to Horlbeck's it was later than we thought. I told him he had better hurry and get the watch; he got it from John S. Horlbeck, who is planting land up here. When we got to the poll there were a few negroes at Claus Koeper's, and at the head of the piazza, there may have been 50 there. Knowing the place would be very crowded I said I believe I will vote; they remarked the polls could not be opened until the right time; my brother remarked to me that it lacked a few minutes to six.

Q. Was the poll opened at 6 o'clock?—A. Exactly at 6; I saw the watch.

Q. Was the poll opened by this same watch?—A. Yes, sir; Horlbeck's watch.

Q. Was there any other watch there?—A. McCants Venning had a watch and he said it was a couple of minutes after six.

Q. Was the box exposed?—A. Yes, sir; the papers and box. Muirhead held the box out and said you can come up here and look; he called out two or three times but nobody came up; I said, as nobody would look I will; there was nothing in it. I had the box in my hands.

Q. The box was empty before it was locked?—A. Yes, sir; I can swear most positively.

Q. You are positive when the box was shaken up and down outside the window it was empty?—A. I am positive, because I held it in my hand.

Q. After looking in was the box locked publicly?—A. In front of me two or three feet, I was standing on this little platform, and it was locked.

Q. Did you see anything put in that box before it was locked?—A. Nothing.

Q. You was standing two feet from it?—A. Not more than 18 inches; I was standing right on the platform near the box.

Q. Locked it publicly, the public looking on it as it was closed?—A. I suppose there was a half men looking on it when it was locked. I cannot call their names, but they were men around the village here.

Q. Were you at the polls off and on during the day?—A. Yes, sir.

Q. Was everything conducted fairly, as far as you could see?—A. I remember remarking that I never saw anything conducted so fairly; everything was conducted fairly; every man that wished to vote came up and deposited his vote. I remember the circumstance of Jones coming up from Charleston and wanted to vote; he has a boat which he crosses over the ferry with; I said, "I see Mr. Jones here, and if he votes here, he will be left by the boat."

Q. Did you see R. C. Browne, the United States supervisor, at the poll?—A. Yes, sir; one of the first men I observed there.

Q. Did you see him when he came in the piazza?—A. Yes, sir; I saw him.

Q. Did you hear his remarks as to the time?—A. Yes, sir; he said it lacked some minutes of 6 o'clock.

Q. Did you hear him challenged to submit his watch for inspection?—A. Yes, sir.

Q. Did you hear him refuse his watch for inspection?—A. Yes, sir; he said he didn't care to enter into it; but what would take what would be said by the gentlemen.

Q. Did you hear him challenged to make a statement upon oath as to the time?—A. No.

Q. Did you hear him challenged or dared by anybody to make his statement under oath as to the time?—A. I don't remember that.

Q. As to his departure from the room, please state as to what you remember of the circumstances.—A. This is what I recollect in regard to that: when he went into the room Mr. Walker told him that according to the printed instructions received, as far as the election was to be conducted, it was so, that the supervisors were to be in the immediate presence of the managers or ballot-box; naturally every one inferred that a man to be in the immediate presence of the ballot-box should not be in the rear.

Q. Was he in the rear of the ballot-box?—A. Yes, sir; he was behind the ballot-box; the fact is, when Muirhead was standing up, I could see Browne; Muirhead asked Mr. Walker what was the law on the subject. He said, "I read it, but I wish that you would read the law to me again." Mr. Walker did so. Mr. Muirhead, the chairman of the board of managers, turned around to Browne and said, "According to the instructions you have no right to be in here, for the text of instructions are that you should be in the immediate presence of the managers." He said, "I think I have a right to remain in." Muirhead said, "I don't think you have." Upon that Browne said, "It will suit me just as well outside as inside." He stepped outside close to the door and took his seat. I being there, and he having no knife, he asked me if I had a knife that he wanted to sharpen a pencil. I said no. He borrowed a knife from Muirhead and sharpened his pencil and returned the knife to Muirhead.

Q. Did any constable put Browne out of that room?—A. No, sir; they did not.

Q. Was any violence offered to him?—A. None whatever.

Q. Did any constable attempt to put him out?—A. No.

Q. Did he leave of his own free will?—A. He did.

Q. Did you hear any one threaten him?—A. Not a word was said to him. I can swear most positively.

Q. If he had remained there would he have remained there under

protest?—A. Yes, sir; but there was no occasion to force him to leave, I think they remarked, "If you remain, you remain under protest"; and some one said, "Browne, I think you better leave, as the instructions here written says you cannot remain here."

Q. Did Browne occupy a better position in front of the box than he did behind?—A. He did; and if I was a United States supervisor I would have preferred his position; he could see every man and could see every ballot that was deposited. Browne's chair was next to me when I voted, and he could see what I placed in the box; he was so close to me that I could not judge of the distance.

Q. When you were casting your ballot?—A. Yes, sir; I deposited my ballot just as he was sitting at the table.

Q. What distance did he sit from the window?—A. He was so close on to me that I had just good room to vote and that was all; I, standing up there, could inspect his whole writing by turning my face; he was as close as he could be to me, and in the presence of the voter.

Q. Is it true that the ballot-box was from time to time during the day depressed below the vision of the supervisor?—A. No, sir; that statement is absolutely false, because I was there during the whole day.

Q. Was there anything during the day to prevent the supervisor, at any moment, placing his hand on the ballot-box?—A. Nothing, whatever; if he wished he could sit in his chair and put his hand on the ballot-box.

Q. His assertions to the contrary are absolutely false?—A. They are.

Q. Is it true that his table was five feet from the window?—A. That is untrue.

Q. Is it true that his table was eight feet from the window?—A. Of course not; that is false.

Q. Is it true that there is only one colored Democratic voter in this parish, by the name of William Stewart?—A. That is false, out and out. You mean among the colored element?

Q. Yes.—A. I would say that there are a great many colored men in this parish that vote the Democratic ticket.

Q. In the village they are usually open and avowed Democrats, are they not?—A. In the village there are few Republicans among the negroes.

Q. Outside the village?—A. In a measure, the votes are mixed, outside the precincts of the town; I know a great many negroes in the parish about here; when speaking to them that morning I asked them, "How are you going to vote?" They said, "I don't know how I am going to vote." I said, "Have you any preference?" They said, "No; we just as leave vote the Democratic ticket as the Republican ticket," except one or two fellows that were from Wappetaw Church; they, in a measure, try to coerce the mass to vote the Republican ticket. If those negroes around the poll decided to vote the Democratic ticket, I allude to those outside the village.

Q. Would they have voted large Democratic tickets or small tissue tickets?—A. I think they would have voted the small tissue tickets.

Q. Why?—A. Because it was a sort of novelty; my idea is that the way the tissue tickets have been handled is through these Republican negroes.

Q. So-called Republican negroes?—A. So-called Republican negroes; from the feeling between the whites and blacks, it was not natural to suppose that they were going against men that were paying them the best wages; take Horlbeck, and all of the planters in the village, and look at the terms they give; they can get their goods or wages for

their labor; it is not likely they will go against good government, and going against them for men who they know nothing about and who never fulfill their promises to them; as far as my idea is, it is ridiculous to suppose that; I think you find a few negroes stealing cows and so forth; they might be Republicans; but the laboring classes are not going against the planters.

Q. Are the negroes as a rule great criminals; do they commit great crimes, like murder and burglary, or are they criminals of a lower grade?—A. I would say negroes are criminals of a lower grade; as far as murder goes, it is in exceptional cases. I think this about negroes: I think as far as infamy and breaking the law they are not backward in that.

Q. Please state their character in regard to veracity and petty larcenies.—A. As far as the negro promising you anything, I would not give a good chew of tobacco for his promise, taking them as a class.

Q. Now, if a negro testifies that he voted a Republican ticket, would you take that as conclusive proof?—A. Not at all.

Q. You think his promise to vote the Democratic ticket or his statement that he had voted the Republican ticket neither proof conclusive?—A. None whatever.

Q. Either on the Democratic side or the Republican side?—A. No, sir. Those that told us they would vote the Democratic ticket may have deceived us, and those that told Mr. Mackey they voted the Republican ticket may have deceived him. That is my experience with the negro, and I was raised with him. You cannot take the oath of a negro; in other words, during an election you cannot tell how he voted.

Q. You think, then, to make a negro take an oath is committing a sin on your own part, because you are making him, more than likely, perjure himself?—A. I think you make him perjure himself, for a negro don't regard any little favor that you may do him; for a good chew of tobacco a negro would perjure himself.

Q. If a large mass of negroes in this parish swore that they voted for Mr. Mackey, expecting the per diem usually allowed witnesses, would you consider their testimony as proof of the fact to which they testified?—A. No; I would not. I should consider that the simple fact of mileage or any other compensation that they may gain, they would not consider as far as perjuring themselves to swear to anything. I believe that if I to-morrow call for one hundred negroes in this parish to swear against anybody for the sum of one dollar each I could get them to swear to the point.

Q. You think, then, that the promise of one dollar and mileage would greatly influence their testimony?—A. I think the promise of mileage alone would do it, even if they knew nothing of the circumstances.

Q. What hour did you leave the poll?—A. I left with Dr. Horlbeck about 7 or 8 o'clock.

Q. Was the room well lighted or dimly lighted?—A. Just as brightly lighted as a man would wish.

Q. Was it lighted with lamps or tallow candles?—A. Lighted enough for a man to see to write.

Q. Could a man ten feet off see enough to see the tickets?—A. No, sir.

Q. With tallow candles to have read five feet off?—A. No; I should not think with a tallow candle.

Q. What were the lights, tallow candles or lamps?—A. I did not observe.

Cross-examination by E. W. M. MACKEY, contestant:

Q. When the votes were being counted, during the time you were

there, where was Browne located ?—A. I will state that I was not present when they counted the votes ; I left about 8 o'clock.

Q. How long did you remain there after the close of the poll ?—A. I suppose about one hour or two.

Q. You then saw the beginning of the count ?—A. I just saw the beginning of the count.

Q. Had not the ballot-box been opened and some votes being taken out before you left ?—A. They had just begun to count.

Q. Had the managers begun to count the votes previous to your leaving ?—A. They had begun the counting of the votes, but I took no observation of that.

Q. What o'clock was it when you left ?—A. As far as the time exactly, I cannot say correctly, because I did not ask anybody ; but I told you it was one hour or two after six o'clock.

Q. At the time you left, had the managers begun to draw out the excess of the votes ?—A. As I remarked to you, I don't remember whether they did or not, as I did not care to go into the room.

Q. Can you not remember whether or not before you left if any votes had been drawn out and burnt ?—A. I remember nothing of the sort. As I have stated, I know nothing after the close of the polls, or how the votes were put in, or how they looked, or anything as far as the room was concerned.

Q. When you testified in regard to the worthlessness of the negroes' oath, do you mean your testimony to be general, or simply to refer to particular instances ?—A. In regard to the testimony in regard to the worthlessness of a negro's word, I cannot speak of them as a general mass ; as far as certain negroes, take them especially in the country where ignorance reigns, he don't stand upon swearing falsely.

Q. Then, in your opinion, do you mean to say that, with a few exceptions, the negro cannot be believed on oath ?—A. I will say with a few exceptions.

Q. Do you mean also to say that he cannot be believed on oath, even when he has been promised nothing ?—A. No ; I don't believe he can be believed then. From the simple reason where no promises were made by the Republicans the negroes voted the Democratic ticket.

Q. What I refer to is, the negro's reputation for veracity in his testifying as to how he voted ; could he not be believed if he testified without any promise of being paid ?—A. I think not. I think, in other words, they have been so demoralized that they don't regard an oath no more than you would cursing at them ; they have been totally demoralized since the war.

Q. Then your idea is, as a general rule, even without the promise of pay and mileage, they have a perfect disregard of their oaths ?—A. That is my opinion exactly.

Q. And that in no instance they are to be believed ?—A. I don't say that.

Q. Are there instances in which you would believe a negro under his oath ?—A. There are many instances under which they are to be believed, but there are men who have not the interest of the State at heart and making incendiary speeches, they go so far in their speeches as to speak against the whites, and advise those not to vote with them, that they might vote on the other side ; that is the Republican side ; but if left to themselves they would vote the Democratic ticket out and out.

Q. What I desire particularly to know is, not as to how they would vote, but as to regard for their oath ; will you not please state whether or not you know of any promises having been made to the negroes of

this parish to testify as to how they voted ?—A. As far as my actual and own knowledge is concerned, I will not; as far as their swearing which side they voted, from the simple fact of their being promised mileage you could get any number; instead of six hundred, you could get a thousand that would swear they voted for you.

Q. What I want to know is, whether they would swear falsely as to how they voted, if they were made no such promise ?—A. The simple fact of their being summoned would make them swear falsely; and the fact of your coming here and their hearing of your name would make them come up and swear they voted for you, if they never went to the poll.

Q. You have stated that you believed that if the negroes were left to themselves they would all vote the Democratic ticket ?—A. I did not say that; I said that a majority of them would vote the Democratic.

Q. Did a majority of them vote the Democratic ticket at the last election ?—A. There is no doubt of that.

Q. Do you think much more than a majority voted the Democratic ticket at the last election ?—A. A great many of them did; they voted in such a secret manner, and being scared by one or two fellows from Wappetaw, I think in a great measure their preferences were in favor of the Democrats.

Q. If they then voted secretly, will you please say how you know that a majority voted the Democratic ticket ?

(Counsel for contestee objects to the witness being made to state what cannot be found in the record.)

A. I will tell you: There were a great crowd around the polls; there were a great many negroes that I happened to know from the upper part of the parish, and I asked them how they were going to vote; they were so undecided that it led to my remarks, that if you have a good and honest government you will enjoy the good of this government as well as the whites. They said, we see that Gov. Hampton is fair, and the taxes are light, and they said we just as leave vote the Democratic ticket as the Republican. In fact, a good many said to me, "I don't care any more for Republicans than you do, sir." I gave you their own words.

Q. You stated that it was not natural for the laboring classes among the negroes to go against the planters. Will you please state why, in your opinion, it was not natural ?—A. I will state, in reply, this: That the planters had been so kind to them, in all their arrangements for the last year or so, running them along in their crops, that it is absolutely unnatural to suppose that they would have gone against them. They were paying them liberally for their work they performed in money or groceries, just as they would choose.

Q. What do the planters generally pay for the work they do on the plantations ?—A. That depends greatly on the work they are going to do; if a negro is called upon to hoe a half acre of cotton, the planter pays him 50 cents, and when he comes up to the commissary at night, he will ask what will you have—money or merchandise ? and they have their choice.

Q. Is not the wages generally 50 cents per day ?—A. Yes, sir; but it is left to the negro; he can go into the field, and may or may not work the whole day. A man can say I will employ you the whole day, and if he don't care to be employed the whole day, and he is usually accommodated.

Q. When they are employed the whole day, is not the wages 50 cents a day ?—A. Yes, sir; but nobody asks them to undertake it that way.

Q. In the management of the election at this poll, was no time unnecessarily consumed by the managers in receiving the votes of the voters?—A. I never saw votes thrown in faster than at this poll; the voters came up and deposited their votes, and it was done just as quickly through the instrumentality of the managers as it was done at Wappetaw, where Republicans were managers.

Q. Was there not a steady stream of voters until within a half hour of the closing of the poll?—A. For a great portion of the day there was a steady stream of voters.

Q. Were not the managers kept busily employed, except the last half hour, in receiving the votes of persons?—A. I cannot say they were so busy, because they took it by turns at the box to swear them, and your supervisor was right there.

Q. Did not, as soon as one voter got through, another stepped up to deposit his vote?—A. When one got through there was an aperture in the plank for him to step out.

Q. You stated that you believed that the tissue ballots got into the box by Republicans voting them fo'ded in Republican ballots?—A. I think so; that is my impression, from a good many remarks that I heard from the negroes themselves.

Q. You then account for the tissue ballots being in the box, to a large extent, that way?—A. I do.

Q. Were they deposited by these Republicans inside of Republican ballots or inside of Democratic ballots?—A. I think inside of Republican ballots, in order to deceive those around who were trying to keep them up to Republican standard.

Q. Do you think, in depositing these tissue tickets, these voters enclosed more than one tissue ticket in their large ticket?—A. Some, I suppose, enclosed some ten or twelve; they were so small it was hard to say how many could be compressed into one of the large tickets.

Q. You testified about some tickets being taken out of the box before it was locked for the reception of votes?—A. I testified as to all tickets, not as to some.

Q. Will you please state what kind of tickets were taken out of the box?—A. What kind of tickets?

Q. Whether they were Democratic or Republican tickets?—A. They were Democratic tickets.

Q. Were they both tissue tickets and large tickets?—A. No, just the large tickets.

Q. As I then understand, when the box was opened by the managers, before the poll was opened, a lot of large Democratic tickets, and the papers belonging to the managers of election?—A. The tickets and printed instructions to the managers—that was all in it for the conduct of the election.

Q. Could R. C. Browne, the supervisor, from the position he occupied outside, have put his hand on the ballot box without rising from the table?—A. Yes, very easily.

Q. When you speak of the worthlessness of the oath of a negro, do you refer to them regardless of politics?—A. Well, no; I cannot say that I do; but I think this, and I think any one will agree with me, as a general thing you will find those hat voted the Democratic ticket—I don't believe them if they say that they voted the Republican ticket—as far as drawing a close distinction as to their worthlessness on their oaths it is a difficult thing one way or another.

Q. Don't you think those that voted the Democratic ticket as likely to swear falsely as those that voted the Repnblican ticket?—A. No; I

cannot say so, because their education has been different, since the war, in politics; there is no man in this parish that would take the trouble, as far as voting is concerned, to contradict their opinions; but as far as their word is to be relied upon, those that voted the Democratic ticket are men who are well thought of apart from their politics. I will take several men in the parish who I know to be pronounced Democrats, and if they were Republicans they would have like confidence of their employers.

Q. If those men were Republicans, do I understand you that you would believe them on oath?—A. That is mixing it up; because I don't consider that an honest negro can be a Republican.

In reply, by H. E. RAVENEL, counsel for contestee:

Q. Mr. Mackey asked you how you knew of a number of negroes who voted the Democratic ticket; do you mean, in replying to that question, to say that you knew as a fact that a majority voted the Democratic ticket, or that it was only your opinion that a majority voted it?—A. It was my opinion that a majority voted it; as far as estimating goes, it would be difficult for a man to say he knew how half of them voted.

Q. Could you state as to any large number that voted the Democratic ticket, on positive knowledge, or only on such circumstances, coupled with former or later promises, as induced you to believe so?—A. I can only state, on about the same knowledge, of so many voting the Democratic ticket as the crowd swore that voted the Republican ticket. That is the knowledge that I go upon; there are a great many of them, but I cannot call their names now, that told me they had no objection to voting the Democratic ticket; and if they had a chance they would do so. Mr. Mackey asked me the question, in regard to politics, if I would not take their oath.

Q. In political matters, then, you don't think a negro has any regard for his oath?—A. He may have for his life; I believe a negro will swear falsely, on political matters, for fear that something would happen to him.

Q. What had a negro to fear in testifying as to how he voted, if he told the truth?—A. He is afraid of the Republican party, or the party lash, just as you please.

Q. If a negro then swore, at the late examination in regard to how he voted, falsely, you think then that it was because he was afraid of the party lash?—A. I do.

Q. Was it owing to his natural depravity?—A. No, sir; if he was allowed to do as he pleased, without having the lash over him, I think he would have done differently.

Q. Are you one of those who think that the majority of negroes in this parish voted the Democratic ticket in the late election?—A. I believe the surplus were in favor of the Democratic party.

Q. Do you think that the negroes have found that out yet?—A. They have always known it, but they have not found it out.

Q. You know that a majority knows that the negroes voted the Democratic ticket?—A. Certainly they know it.

Q. Did they all know it?—A. They cannot all read and write.

Q. Has it been told to you?—A. I don't know; they never told it to me yet.

Q. What I desire to know is this, do the negroes think—a majority think—a majority of their numbers voted the Democratic ticket?—A. I don't know what they think.

Q. Did those negroes who voted the Democratic ticket think that a

majority of their numbers voted the Democratic ticket?—A. A good number think so, certain ones.

Q. To any extent?—A. I expect they kept it pretty much to themselves.

Q. Will you please explain, that if a majority of the negroes in this parish voted the Democratic ticket, how are they afraid of the minority which voted the Republican ticket?—A. Though a very large number of colored people may vote the Democratic ticket in this parish, they don't like the Republican party to know how they voted, they don't like those that vote the Republican ticket to know how the others voted, for fear, they being in the majority, they keep quiet; this I give as my belief.

Q. Upon what do you base this belief?—A. Largely upon my personal knowledge.

Q. You think, in your opinion, that a majority of the negroes in this parish are Democrats and that they voted the Democratic ticket, and afterwards denied it?—A. I cannot answer it that way. I don't say the larger number are Democrats, but that a majority voted the Democratic ticket. I really don't think they know the difference between Republicanism and Democracy.

Q. Have they never known the difference?—A. They never had but one set of leaders.

Q. Have they never heard of the difference?—A. It is not to be supposed that they should know, because they always had but one set of leaders since they were free.

Q. Was not the last election the first election in which the Democrats were enabled to obtain a majority in this parish?—A. It is the first time they have had a majority in this parish since the war that was ever given to them; they might have had it, but never got it.

Questions by E. W. M. MACKEY, contestant:

Q. Was there a general change in the opinions of the negroes from what it was before, that is, the election of 1876?—A. I want to correct myself; we had a majority once before that.

Q. The election in which they had a majority was one in which the Republicans ran no ticket at all?—A. I believe it was.

Q. So then it was a very easy thing to get a majority then?—A. The supposition is, that if we were allowed to put our tickets in we would have got a majority then.

Q. You say you were not allowed in 1876 to put your tickets into the box?—A. The colored people were not. Jim Collins had to come down here and go to the polls with me, so that he could put his ticket in. Jim was set upon, and he came down here so that everybody could see him.

Q. Was Jim Collins a colored Democrat in 1876?—A. He voted the Democratic ticket.

Q. Was he not regarded as a colored Democrat?—A. We looked upon him as such.

Q. Did he tell you that he could not vote at the Four-Mile Church?—A. He did.

Q. Is he one of those you would not believe on oath, or is he one of those colored men you would believe?—A. I think I said that the colored people, in taking an oath in politics, I would not take their oath; for instance, if Collins had voted the Democratic ticket, and then given his oath to you, I would have the best of reasons to doubt it.

Q. In a political matter, would you believe him on his oath?—A. If I was to put an oath to him, I believe I would get the truth out of him.

(Counsel for contestee objects to the witness being forced to give evidence as to the character of the man who it is not shown by anything that the contestee has brought out to have any participation of the matter in dispute, and he further claims that it is unjust to the man's name, because he has no opportunities to defend himself, and is irrelevant, and if the witness is asked any more such questions, unless it can be shown he has taken an oath that can affect this cause, he should not testify to his character.)

In reply, contestant states that the witness having already testified that in political matters he would not believe a colored man on oath, contestant is now questioning the witness as to whether or not he would believe the statement of a colored man in regard to a political matter not even made under oath.

Counsel for contestee submits that the witness's testimony referred entirely to the character of the colored people as a class for veracity, and was not that he would not believe any colored man on his oath, and there is nothing to be found in the general character of the witness's testimony as to the general reputation of the negro for veracity to concern the assailing of individual character for individual assailing, not in no way whatsoever having anything to do in the case whatever.)

CONTESTANT. My object is not to assail Jim Collins's character, but to prove his good character, and therefore he asks the witness whether or not he would believe him on oath.

Counsel for contestee maintains that the character of a special individual in no way connected is not a matter relevant to the issue before us.

Contestant maintains that since the character of every colored witness who has testified in his behalf has been assailed in a general manner, therefore he has a right to ascertain if there are any colored men in this parish who the witness for contestee would believe on oath, so that, if there are any such persons in this parish, they can be summoned in rebuttal.

Counsel for contestee protests against any questions as to Jim Collins, unless it is shown that Jim Collins has been one of the contestee's witnesses; and such not being shown, he submits that it is an impossibility for the contestant to force opinions as to character of innocent persons merely for the purpose of gaining witness's opinions for his own benefit.)

A. If Jim Collins was put on oath in the matter of Mr. Mackey and Mr. O'Connor, I would not believe him.

Q. Are there any colored men at all in this parish who, if put on their oath in this contest, that you would believe?—A. I rather not have them brought up, for fear I might lose good faith in them.

Q. Then am I to understand you that there is no colored man that the contestant could possibly examine in this parish that you would believe on their oath in this contest?—A. There are, but you could not bring them up, because I would not call their names. If you brought a man up and put the question to me, I would tell you if I believed him or not.

Q. So that there are colored men in this parish that can be believed on their oath?—A. I think so.

Q. Even in a political matter?—A. Yes; they are avowed Democrats.

Q. But none but avowed Democrats?—A. I don't believe if put to their oaths by you they would tell the truth.

Q. So that it makes no matter what they have sworn to, or what they may swear to, you are satisfied none will tell the truth even if summoned hereafter in this contest in favor of the contestant?—A. There are men

here that I know will swear to the truth if brought out. I know a great many that will swear to the truth.

Questions by G. R. WALKER, counsel for contestee:

Q. You stated that when the Republican tickets came out of the box, with tissues folded in them, that the manager handed them and submitted them to the supervisor?—A. I think that was my answer.

Q. Did you mean that the managers placed the tissues in the final count, or merely counted the number in the ticket?—A. I meant but the one thing, that according to the law that was given them, that they should be put in, that number was put there, and the others were destroyed.

Q. I want you to, please, if you can, answer my question; there is such a thing as a final count of the number of ballots in the box?—A. Yes, sir.

Q. There may also have been an unofficial count of the tickets wrapped up in the enclosing ticket; what do you mean by the word "count," when you said the managers counted the tickets; do you mean that they incorporated these tickets into the final count, or do you mean they merely counted the number of tickets contained in the big ticket?—A. What I mean by "count," is that when the tickets were reduced to the poll-list, that was the count; they were counted then.

Q. I don't understand your answer; perhaps you don't understand my question?—A. Perhaps I have not got hold of it.

Q. In reply to the question of the contestant, you stated that the managers when they found two, three, four, or five tissue tickets enclosed in one large ticket, that they counted the tissues and submitted to the supervisor for his decision?—A. Counted the tissues?

Q. Yes. What did you mean?—A. I don't think I made use of the word "tissues?"

Q. You said they counted the enclosed tickets; what did you mean when you said the managers counted the enclosed tickets; did you mean that they put the enclosed tickets in the box?—A. No, sir; if my answer was that way it is wrong. I have tried from the beginning to the end to give it as it transpired. All tickets that went in there were regular; they were submitted to the supervisor before any were destroyed; he would take hold of a package of tickets and hold them up; between him and the supervisor they done all the talking, and what decided as irregular by them was destroyed.

Q. Do I understand you then that those enclosed tissue tickets were not put with the tickets in the tray, unless the supervisor decided such should be done?—A. Unless the supervisor decided to do it, they never were put into the tray.

Q. What was the distance from the board or barricade in the room, at night, to the ballot-box?—A. About four and a half feet, I think; that is from the upper edge of the barricade to the ballot box—four and a half feet to my remembrance.

Q. What I understand, that the supervisor placed himself 8 feet from the ballot box?—A. Yes, sir; right obliquely from the box, about 8 feet; we were not in front.

Q. Was the crowd outside that poll generally Republicans or Democrats?—A. They were colored people.

Q. Do you know any reason why the supervisor should not have placed himself at that board directly in front of the ballot-box?—A. None in the world; he was free to go any place he wanted during the counting.

Q. When the Republican large tickets were drawn out of the box, with tissue tickets folded in them, did you see any of these tissues intentionally shaken back into the box?—A. No, sir.

Q. Did you see them shaken back into the box?—A. No, sir. I do remember this being said by Browne, that if he had got hold of the boy he taught him to do better.

Q. You say you have had some experience in politics in this parish?—A. Some; yes.

Q. Was it difficult or improbable that the Republicans, judging from your experience of them, to have surcharged the ballot-box with tissue tickets, in order to have cast an unjust suspicion upon Democrats and vitiate the count at this precinct?—A. If any vitiation was done, I think that was the way it was done.

(Objected to by contestant as new matter to which contestant claims the right of cross-examining the witness.

Counsel for contestee, notwithstanding the shortness of the time left him for the purpose of this examination, will accord to contestant the right of cross-examination, but he maintains that as the evidence concerning tissue tickets being enclosed in large Republican tickets was brought out by the contestant, and it is proper for contestee to show how they got into the box.)

Q. I understand you to say that, in the election of 1877, the Republicans in this parish did not deem it expedient to run a ticket for themselves?—A. You understood me right.

Q. Was not the regular Republican ticket in this parish, of 1874, obtained by a combination of Democrats and Republicans, and was called the Independent Republican ticket?—A. Yes, sir.

Q. The regular Republican ticket, then, in this parish have frequently in the past received opposition from Democratic combination among the negroes?—A. Yes, sir.

Q. I understand you to speak of the negro character generally; do you mean to say that there is no individual among the negro race that you would trust?—A. There are plenty that I would trust.

Q. Do I understand you that avowed Democratic negroes would have no cause to lie how they voted?—A. No, sir.

Q. But those who voted secretly might desire to maintain the secret?—A. Yes, sir.

Q. You say you stood by Browne to see fair play?—A. I did.

Q. Is it not the general popular opinion in the South that the United States supervisors and marshals are sent by the Republicans to the polls for the express purpose of molesting the officers of election, and for creating and giving an erroneous conception of frauds, for the benefit of their own party.

(Objected to by contestant as leading and not in reply.)

A. It has generally been believed so.

Q. It is considered to be the purpose of the Republicans in sending supervisors and marshals to the polls to intimidate and carry the election their own way?—A. Yes, sir.

Q. By means fair or foul?

(Objected to by contestant as leading.)

A. No matter by what means so long as they get.

Questions by E. W. M. MACKEY, contestant:

Q. You stated that it was not difficult or impossible for Republicans, from your experience of them, to surcharge the ballot-box with tissue tickets, and thereby cause an unjust suspicion to be cast upon the Dem-

ocrats and vitiate this poll; am I to understand you to say that you believe that the Republicans did put those Democratic tissue tickets in the ballot-box in order to vitiate the election at this poll?—A. I believe the Democratic party were too honest to have done it.

Q. Will you please answer my question directly, whether or not you believe that the Republicans put those Democratic tissue tickets in that ballot-box in order to vitiate the election at this poll?—A. From the fact that I think that the Democratic party were too honest to have done it, the blame must necessarily, according to my belief, fall on the Republican party.

Q. Who had the tissue tickets printed?—A. God knows.

Deposition of P. C. Lewis.

MOUNT PLEASANT, November 20th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

P. C. LEWIS (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Q. Question. Where were you at the general election of 1878?—Answer. At the poll. I was one of the marshals.

Q. At what poll?—A. Mount Pleasant poll.

Q. You say you were a marshal?—A. Yes, sir.

Q. State or United States officer?—A. I was appointed by the State through Mr. Walker.

Q. What time did you get to the poll that day?—A. I got there 7 o'clock, as near as I can remember.

Q. Was the voting going on when you got there?—A. Yes, sir.

Q. Who was surrounding the ballot-box?—A. When I first arrived there, there were a great many persons, and I was ordered to put a plank across, and to keep them back a respectable distance, so that the supervisor and managers would have no trouble.

Q. Who gave you that order?—A. It was the request of the managers; I think it came through Mr. Muirhead.

Q. What do you mean by putting a plank to keep order?—A. A plank on either side of the window on which the polls were held to keep the crowd back, and allow them to come in two at a time to vote.

Q. So that the crowd could not press up to the box?—A. Yes, sir; and so as not to interfere with the managers and supervisor.

Q. He was near the box steadily?—A. Yes, sir; most of the day, beside of the managers. The managers were in the room at the window, and the supervisor, Mr. Browne, was outside by the window. I think Mr. Hale I saw positively once or twice during the day in his place, but what took place there I don't know.

Q. You mean to say that Mr. Browne was at the box whenever you looked there?—A. I missed him once or twice.

Q. Who took his place?—A. I saw Mr. Hale once or twice; and also a colored man which I don't know, I think, twice.

Q. When you saw Mr. Browne there, how near was he to the box?—A. As near as I suppose he could get so as not to interfere with those who were dropping in their ballots. The box was sitting on the window.

sill, and he was sitting three or three and a half feet diagonally from the box.

Q. Could he see every vote that went into that box, or was he obstructed?—A. There was nothing between him and the box but his table and the wall.

Q. Could he have reached out his hand and touched the box?—A. I suppose so, by reaching over. I don't suppose he could in a sitting position.

Q. Do you mean to say that the voters could not get between him and the box?—A. No, sir; they could not do so; there was no passage way between him, his table, and the wall.

Q. How much were you around the box during the day?—A. I was absent once or twice, I suppose about two hours, during the day.

Q. Were you there after the poll closed?—A. Yes, sir; I was there until the end.

Q. What happened after the polls were closed?—A. Immediately?

Q. Yes.—A. I went in and assisted in putting up the boards to count the votes.

Q. Was Browne also present then?—A. Yes, sir.

Q. Was Browne in a position to see everything that went on?—Perfectly so. I was there to see that no obstruction was offered to Mr. Browne from anybody else.

Q. Did you witness the count and canvass of the votes?—A. Yes, sir.

Q. Can you tell us how it was done?—A. The votes were taken out of the box and counted, and they found that there was a surplus according to the poll-list, and they were then put back into the box and the surplus drawn and burnt.

Q. Before they discovered that there was a surplus, what steps were necessary?—A. They were taken out and counted.

Q. Suppose several came out all bunched up, what did they do?—If there were two of one kind of ticket, one was reserved and the other burned; if there were two, one a Democratic ticket and the other a Republican ticket, they were both burnt.

Q. And suppose a number came out together, what did they do?—That was left to the managers and supervisor; they always took them out and showed them. I think there were two of the skin ones that were taken out, where objections were made to them by the supervisor.

Q. In what condition were those votes put back into the box—I mean after they counted them?—A. They were generally folded, some entirely and some pretty nearly as they were taken out of the box.

Q. Simply as they were convenient?—A. Yes, sir.

Q. How were they drawn out of the box; was the box open when they were drawn out?—A. No, sir.

Q. In what way it was not open?—A. Mr. Venning was the man that drew them out; the lid was opened, and his hand was shoved in, and drew them out one by one.

Q. Was his hand put in, and he could not see what he was drawing out?—A. No, sir.

Q. In what manner were they destroyed?—A. Burnt by the candle.

Q. Were they burnt in the same condition as they were drawn out?—A. Yes, sir; they would burn them in the same condition; the paper that was folded closely and would not burn, he tore them up.

Q. Was some folded very closely?—A. Yes, sir.

Q. Were they burnt immediately or did the managers offer to expose them?—A. Immediately as they were handed to him he stuck them into the blaze.

- Q. What was the means of lighting the room?—A. Candles.
Q. Tallow candles?—A. No, sir; I think adamantine.
Q. Could one tell, with certainty, what tickets were being burnt?—
A. Only the small tickets.
Q. Unless it was a small ticket you could not tell?—A. No, sir; unless it was a small ticket.
Q. Was there an opportunity to read what names were on the ticket?—
A. No, sir.
Q. You think it was impossible for a man to tell what was burnt, whether it was a Democratic or Republican ticket, unless it was a small ticket?—A. Yes, sir.
Q. Were you in a position to see as favorable as anybody else?—A. Not more than two feet from Mr. Venning, who drew them from the box.
Q. How near was R. C. Browne?—A. I should suppose about 8 or 9 feet.
Q. You mean that he was further than you?—A. Yes, sir; he was further.
Q. Eight or nine feet when they were being burnt, you mean?—A. Yes, sir.
Q. Did you hear expressions from the crowd as to the character of the tickets that were being destroyed?—A. Yes, sir.
Q. What was said?—A. I myself had to speak to one party three separate times for speaking loud.
Q. For speaking loud?—A. Yes, sir.
Q. What was the nature of his remarks?—A. He was saying that they were burning up his tickets.
Q. Was he a Republican?—A. I presume so, from his talk.
Q. Did you hear any grumbling from the other party?—A. I heard the Democrats say when a tissue ticket would be drawn out, they would say, "Here goes one of our tickets."
Q. But there was a grumbling between those parties?—A. Only in regard to this party that I had to speak to.
Q. Did you hear any grumbling from each side?—A. No more than what was said between two opponents on opposite sides.
Q. Did you hear Browne make any remarks after the close of the work?—A. Yes, sir; he said he had never been treated better in his life. Mr. Walker asked me to see Capt. Cherry, and have him taken to the city.
Q. You mean Mr. George Rivers Walker?—A. Yes, sir. Mr. Walker then asked me if I had a cigar; he said he would like Browne to have a cigar.
Q. Did Browne show an appreciation of those courtesies?—A. It appeared so.
Q. It might have been that Browne appreciated those courtesies, but as a matter of party duty he considered the election had not been properly conducted?—A. Yes, sir.
Q. Do you remember any other of Browne's remarks other than you have given?—A. During the time that two Republican tickets came out and they burnt them, he made the remark that he could teach that boy better if he had hold of him, but there was a general laugh at the time.
Q. Did Browne say anything about the election being conducted unfairly?—A. Not one word in my presence.
Q. Was there any time during the day that that box was depressed so Browne could not see it?—A. Not during the time I was there.
Q. Was, in fact, the box was depressed below Browne's vision untrue?—A. It is untrue.

Cross-examination by E. W. M. MACKEY, contestant :

Q. What kind of ticket was generally voted by the Democrats on the day of election ?—A. That I cannot say.

Q. Did they not appear to vote the tissue tickets generally ?—A. I was keeping the crowd off.

Q. What kind of ticket did you vote yourself ?—A. White ticket.

Q. A large white ticket ?—A. Yes, sir.

Q. Are you certain that while the votes were being drawn out and destroyed that Browne was as far as 8 or 9 feet from the box ?—A. I would not be positive, but my supposition is that he was about 8 or 9 feet.

Q. He may not have been nearer ?—A. He may have been possibly a few inches further.

Q. Have you ever measured that distance ?—A. That day, at that time ?

Q. Either at that time or after ?—A. No, sir; I have not.

Q. Is there no possibility of you being mistaken as to the distance between Browne and that box when the votes were being destroyed ?—

A. As I said, it might be a few inches more or less. I never measured it, and cannot be positive.

Q. Were you placed on duty principally to see that no persons obstructed Browne or obstructed the poll or interfered with the managers ?—A. Not Mr. Browne particularly; the box and parties in charge.

Q. When the votes were first taken out and counted those that were first folded and put into the tray that was made for their reception, were they not folded lengthwise ?—A. They were folded pretty much as they came out of the box.

Q. With the tissue tickets folded also ?—A. All tickets were folded.

Q. Were the lights in the room at night sufficiently bright to enable you to see all that was going on ?—A. Yes, sir. I had 16 candles there myself. I had those candles there for fear the others might burn out. About 12 o'clock Mr. Walker handed over money to buy more, for fear they might burn out, and I sent out and six more were brought me.

Q. So that six candles were lit at one time ?—A. Yes, sir; and renewed by 6 more.

Q. Did they not give a pretty bright light ?—A. I should suppose bright enough for the occasion.

Q. Did this dissatisfaction on the part of the Democrats in regard to the burning of their tickets consist of the remarks you stated they made, "There goes one of our tickets" ?—A. Nothing more.

Q. Did you see any large Republican tickets taken out of that box with Democratic tissue tickets folded within them ?—A. I think so.

Q. What was done with them ?—A. It was left between the two parties, the managers and the supervisor; they would arrange it.

Q. Can you not say whether or not all those tickets were destroyed or whether all were counted, or what was done with them ?—A. I think there was an objection to votes, that was made afterwards. Where any large Republican tickets in which tissue tickets were found that were counted, those were both counted and included in the count. I recollect a large number of tissue tickets being folded in Republican tickets.

Q. How many large Republican tickets did you see that were taken out of the box with tissue tickets in them ?—A. I don't know.

Q. Do you recollect one ?—A. I recollect the argument.

Q. Do you recollect having seen two ?—A. Yes, sir.

Q. How many tissue tickets were enclosed in that Republican ticket ?—A. I cannot say.

Q. Can you say what was done with them?—A. No, sir.

Q. You cannot say whether it was burnt or not?—A. I understood they were to have been burnt after they were opened.

Q. What I want to understand is, did the managers always burn the tissue tickets when they were found inside of a large Republican ticket?—A. Whenever a Republican and Democratic ticket came out together they were burnt.

Q. You cannot recollect whether they burnt tissue tickets when they were found inside of Republican tickets?—A. Whenever they came out and they were not of the same kind they were burnt.

Q. Then these tissue tickets that were found inside of Republican tickets may have stuck to them?—A. They may have got there. I don't pretend to say they were put there.

Q. You neither handled or examined them?—A. No, sir.

In reply by H. E. RAVENEL, counsel for contestee:

Q. In the cross-examination you stated there were candles enough to give quite a bright light?—A. Bright enough for the occasion.

Q. Was it bright enough that a ticket could be read at a distance of a few feet?—A. If it was held up you could see it, but none was held up.

Q. There was six candles lit, and could you tell the difference of the tickets except the difference in the sizes?—A. No, sir.

Q. There was something said about a tray, which was not mentioned in the testimony; what kind of a tray was it?—A. It was two pieces of paper tacked together.

Q. Did the votes when put on that tray pretty well fill it?—A. Yes, sir.

Q. If the votes were unfolded could the tray have held them?—A. No, sir; two trays could not hold them.

Q. You mean, then, to say that they had to be folded or the tray would not hold them?—A. Yes, sir.

Q. You said something about an objection being made by the supervisor when the first tissue ticket appeared?—A. He objected to the ticket being used.

Q. Did he say that no tissue ticket should be counted?—A. No, sir; he said that no ticket folded together should be counted.

Q. How did the managers accept his objection?—A. They agreed that when the tickets came out together they should be destroyed, no matter which had the majority of tickets.

Q. No matter whether it was a tissue ticket or not?—A. I did not hear them say anything about tissue tickets; I heard them say tickets.

Deposition of L. C. Clifford.

MOUNT PLEASANT, November 20th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

L. C. CLIFFORD (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. What is your age?—Answer. I will be 62 my next birthday.

Q. Where do you live?—A. At present, Mt. Pleasant.

Q. Where were you living at the time of the election of 1878?—A. was on my plantation Pon-Pon, Colleton County.

Q. What is your occupation?—A. Planter.

Q. How long have you been a planter?—A. Since 1836.

Q. What has been your laborers, whites or negroes?—A. Negroes occasionally whites, ditching.

Q. Have you dealt with a large number of negroes?—A. Very large I owned 350 when the war broke out; in that neighborhood.

Q. Are you not entirely conversant with their character?—A Quite so.

Q. What is their reputation for veracity?—A. Not much, generally.

Q. What do you believe to be the actual state of their moral character in regard to truth?—A. I have never believed many of them—in fact I can say scarcely any one of them.

Q. Don't you think upon their oath they are unreliable witnesses?—A. I don't think they regard their oath.

Q. You mean to say that they have no idea of the sanctity of an oath?—A. My experience with them for so many years is that I have never found any on my plantation that I would believe on their oath. I don't think they regard their oaths; about anything in the world they would swear false; I found them out often and often.

Q. How are they on politics; are they trustworthy?—A. I cannot answer that question, for I meddle very little with politics myself. I never interfere with them in their politics. I was not at the poll at all in November last.

Q. Do you think if a large number of them swore that they voted a ticket it would prove conclusively that they had voted that ticket?—A. Well, no; I don't think that their swearing that they voted any ticket either Democratic or Republican, that they would care much about swearing.

Q. Do you think that if a negro promised to vote one ticket he could be relied upon to do it?—A. Not many of them.

Q. Do you think they would deceive both Democrats and Republicans?—A. If they had an interest in doing so I think they would.

Q. Are you speaking generally of your knowledge of the negro character or because you have experienced it?—A. I am giving you my experiences of those I have been with for many years.

Q. You mean your experience as to their oath and not as to politics?—A. As I told you, I have had nothing to do with politics.

Q. What do you find the character of the negro here?—A. They would defend me, that is, in Colleton; but I have had no opportunity to answer that question, as I have only been here a few months.

Q. So far as you have dealt with them, have you reason to think those you dealt with differ from those in Colleton County, materially?—A. I don't think so.

Q. You stated of the negro character you thought he would swear to anything?—A. Yes; that is, I think so.

Q. For instance, if he did anything then he would not hesitate to tell a lie about it or swear to it?—A. No, sir.

Q. To protect his body from imprisonment or from any personal penalty in that way he might be induced to swear false for the hope of gain?—A. Yes, sir; he would.

Q. Would he swear it for small gain or large gain, or either gain?—A. It would take very little to make him swear falsely.

Q. You don't know anything about how the negroes over here voted ?—A. No, I don't.

Q. Or about tissue ballots being used here ?—A. No, sir; nothing whatever.

Q. You were away ?—A. Yes, sir.

Q. You testified as to the unreliability of negro testimony; do you think they are a malicious and a very criminal race ? You think they are great criminals ?—A. No ; I don't.

Q. You think their crimes are, in common parlance, petty crimes ?—A. Yes ; small offenses.

Q. Do you think the disregard of committing small offenses is general among the negroes ?—A. Yes, sir.

Cross-examination by E. W. M. MACKEY, contestant :

Q. How long have you been living in Christ Church Parish ?—A. About 6 months.

Q. Within the last 6 months ?—A. I think so. I think I came over here on the 23rd of April, and I have been here to the present time; the 23rd of this month will be 7 months since I have been here.

Q. Previous to that time had you ever lived or planted in this parish ?—A. I never planted there at all.

Q. During the 7 months that you have been living in this parish have you had any experience with the negroes save those you had on your own place ?—A. No ; not here.

Q. Are you now engaged in planting ?—A. Yes, sir.

Q. How many negroes do you employ ?—A. It depends upon circumstances, some days 75 or 100 hands; it depends upon the condition of the crop.

Q. Have you a large number in your employ generally ?—A. Sometimes 25 or 30.

Q. You testified that you thought the negro would swear to anything for gain; how would it be in a case where he would derive no gain for the testimony he would give ?—A. I don't know how he would act. I don't think he would care which way he would act; it would depend upon circumstances.

Q. Do you think the negro's character so bad that without the promise of reward, or having an object to protect himself, he would swear regardless of truth ?—A. I don't think he would swear at all. I don't think he would swear at all unless he had some object. I don't think they would leave the plantation one minute.

Q. So that in your opinion unless they had been promised something, or unless they had some direct interest in their examination, they would not even leave their places of residence to testify ?—A. Some of them might do it, I think; they would go to see what was going on, if nothing else.

Q. Do you think the promise of a negro to vote the Democratic ticket could be depended upon ?—A. Not if anybody else gave him more than was promised him before; the man that promises the most he would go with.

Q. Then, in your opinion, he would not vote for either party without the promise of pay being made him ?—A. There may be some of them that might vote without promise. I have known them, when elections have been going on, not three to go from the plantation, and then I have known, that in cases of excitement, all of them to go except two or three.

Q. Of the three hundred negroes that you owned before the war, do

I understand you to say that not one could be believed on oath?—A. Yes, sir; I don't think I believed any one of them on oath; I don't think they would tell the truth unless they had an object to get clear of some punishment or something.

Q. Were you summoned as a witness in this case?—A. No, sir; I was not summoned as any witness; I did not receive any summons.

In reply by G. R. WALKER, counsel for contestee:

Q. You received a personal request to be present?—A. I received a personal request from Mr. Walker to walk down here; I live next door to Mr. Walker.

Q. You were personally requested by the attorney for the contestee to come to this hall this morning?—A. Yes, sir; but I did not know what he wanted.

Deposition of S. Riley.

MOUNT PLEASANT, November 20th, 1880.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

S. RILEY (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. What is your name?—Answer. Samuel Riley.

Q. Where do you reside?—A. At Mt. Pleasant.

Q. What is your age?—A. Sixty-four.

Q. Have you resided among colored people all your life?—A. Yes, sir.

Q. Are you a planter by profession?—A. Yes, sir.

Q. Are you thoroughly conversant with the character of the colored race?—A. Yes, sir; having been living with them all my life. I commenced about twenty years of age to manage a plantation, and have been at it ever since.

Q. What is their character as a class for veracity?—A. As a class their regard for veracity is very slim; from what I noticed, a want of truthfulness is one of the weak points in their character.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Would you believe a colored man on oath, as a general rule?—A. Take them as a class I could not.

Q. As a class, then, in your opinion, you would not believe them?—A. I have known a great many that I would believe; as a class, I would not.

Q. As a class, then, in your opinion, they are so depraved they could not be believed on oath?—A. I don't know as to depravity; it seems that their regard of truth has been wanting.

Q. Have you ever seen many colored men examined on oath?—A. Not of late years I have not.

Q. Is your experience in regard to their veracity simply confined to matters not under oath, or to evidence that you have heard them give under oath?—A. My experience with them is that they promise you to do so or not to do so, as it stands.

Q. You base your opinion, as I understand, upon their failure in keeping promises?—A. In the main, I mean.

Q. Do you think, then, that a man who fails to keep his promise, as a general thing, will swear falsely?—A. Where it is to his interest to do so, to avoid any penalty.

Q. Do you mean to say that where a colored man, without promise or pay, testifies in regard to a certain matter that he cannot be believed on his oath?

(Counsel for contestee submits that the witness has not said anything of the kind; the witness has spoken of them as a class, and has not spoken of them as individuals that could not be depended upon, and it is therefore putting an incorrect construction upon the witness's statement.)

A. I cannot speak of them in that case. I know a good many that would, and I can find a number that I would not believe.

Q. Are there a large number of colored people that could be believed on their oath?—A. I don't think so.

Q. Is the number who can be believed among them very small?—A. I think it is far out of proportion of them who could be believed on their oath; far out of proportion of those that can be.

Q. When you testify that, as a class, the colored people cannot be believed on oath, do you mean that with a very few exceptions they cannot be believed on oath?—A. Yes, sir.

Q. In your opinion, then, the exceptions are very few?—A. Yes, sir.

Q. Are you engaged now in planting?—A. Yes, sir.

Q. How many hands do you employ?—A. I am not personally engaged. I am attending business for another.

Q. What particular place are you now located on in this parish?—A. A place known as Lucas's mill.

Q. How many hands have you charge of?—A. They come in pretty much as day laborers.

Q. I would like you just to remember about how many hands you employ or have charge of, as a general thing.—A. The number of my hands constantly variates.

Q. What is the largest number of hands you have employed on that place?—A. It has only been a short time, a few weeks, since I have been there. I did plant a few years ago on my own place, but found it was unprofitable, and found that they fooled me, though they promised to go to work for me and did not.

Q. Previous to the war did you own any slaves yourself?—A. Yes, sir.

Q. How many?—A. I paid taxes for 75, the last taxes I paid at the commencement of the war.

Q. Did you live on the same place with them?—A. Yes, sir; in the winter season.

Q. Since the war have you planted to any extent?—A. Yes, sir. I have employed as high as 15, 20, and sometimes 40 hands working the day, or just as I could get them.

Q. Is not your opinion in regard to the worthlessness of negro testimony confined very much to the fact that they have failed very much to keep their promises to you?—A. It is, in large measure. I have noticed so much of it, I speak of that as a weak point in their character. I am friendly to them, and they treat me well. I speak of them as a class in regard to truth and the looseness they have of their word.

Q. In substance, your opinion is they are regardless of truth?—A.

As a class, I believe, with very few exceptions. I regard that as a very weak point in their character.

In reply by G. R. WALKER, counsel for contestee :

Q. I understand you to state that your experience is derived from your connections with them for a lifetime?—A. Yes, sir.

Q. Though you are 64 years of age, and you have been in personal contact with them all your life, while you admit the high character of individuals, though as a class you think they are wanting in veracity; is that the correct statement of your testimony?—A. Yes, sir.

The contestant and contestee here adjourned the hearing with the understanding that at any time before the close of the contestant's testimony, provided he has sufficient time to reply, the contestee may examine J. M. Muirhead, William McCants Venning, Frederick Horlbeck, — Pudigon, and cross-examine John S. Horlbeck, if he, the contestant, so desires.

Deposition of J. M. Muirhead.

CHARLESTON, November 22nd, 1879.

In the matter of the contest of E. W. M. Mackey, against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

J. M. MUIRHEAD (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee :

Question. Will you give your full name?—Answer. James Murray Muirhead.

Q. Where do you live?—A. Christ Church Parish.

Q. Where were you at the time of the last general election?—A. ■ was at the poll. I was a manager over at the Mount Pleasant poll.

Q. You were a manager at Mount Pleasant?—A. Yes, sir.

Q. At what time in the morning did you open the poll?—A. Six o'clock.

Q. Did you open the poll before six o'clock?—A. I did not.

Q. What means had you of arriving at the time?—A. I think Mr. John Tell was the first man that voted.

Q. What means did you have of knowing the hour?—A. I had a watch; I borrowed Mr. John S. Horlbeck's watch.

Q. Did you regard it as an entirely reliable watch?—A. I did; that is the reason why I borrowed it; I had none myself, that was the reason I borrowed his.

Q. Did you expose the ballot-box before you opened the poll?—A. Yes, sir; by means of putting it outside of the window, and rapping three times on the bottom of it.

Q. Were there other parties present besides yourself when you did that?—A. Yes, sir; as many as 10 to 15 dark people, or negroes, and other white people around.

Q. When you took the box back through the window did you lock it publicly, or did you take it secretly before you locked it?—A. The window was in front of the box and I closed the box in the presence of those around. I could not close it front because it would have been un-

handy, but I turned it on the side and locked it so that persons on the side of the box could see if anything was put in the box.

Q. You closed that box, then, with such publicity that every one could see that it was done fairly?—A. Every one could see that wished to see.

Q. Where was R. C. Browne, the United States supervisor, when you opened the poll?—A. My impression is that he was not there; he came there immediately after the poll was opened.

Q. How did you treat Browne?—A. Well, he came in and said he was the United States supervisor. I said to him, "I suppose you are; where is your commission?" He said, "I have my papers." I said, "You say you are the United States supervisor, and represent yourself as such, and I suppose you are." He said, "I was to be in the presence of the ballot-box." I said, "I intend you shall be in the presence of the ballot box." I said, "If you are to be in the presence of the ballot-box, you will not be behind my back; your place should be in the piazza. I want you to be as near as you can to the ballot-box without obstructing the passage of the voters." He said something about bulldozing, but I paid no attention to that. I said, "As a manager I want to see everything fairly done; now, if you can see behind my back that is more than I think, as I intend to stand in front of the ballot-box." I said my construction of the law is that your position is in the immediate presence of the ballot box. I then got Mr. Walker to read the law. I construed to be in the presence of the ballot-box was to be in front.

Q. It was impossible for him to see it from where he was?—A. Yes, sir.

Q. Where did he go?—A. He immediately took up his table and went to the right of the ballot-box; the corner of his table was touching the ballot-box.

Q. Was the ballot-box sitting in the window?—A. Yes, sir.

Q. How near was Browne to it?—A. He could have touched it if he wanted to.

Q. Did you take the ballot-box from that position during the day?—A. I did not.

Q. It remained in the same position?—A. It did, the entire day.

Q. Could Browne see every vote that was put in?—A. Yes, sir; every vote that was put in; he was absent from the box twice during the day, and he put a man in his place. Anthony Summersill was one and William Hale was another that he put in his place on the two occasions that he left.

Q. How long was he absent?—A. Not more than five minutes at a time; on his return I called over the number of votes that had been voted; I saw that they tallied with his on each occasion.

Q. Were any tissue tickets voted at that poll?—A. There were tissue tickets voted at that poll, plenty.

Q. How did you conduct the count and canvass of those votes?—A. I drew the votes after the polls were closed; they were drawn out of the box one by one, and in every instance where there were two or more votes brought out together, or had the appearance of being folded together, one was counted and the balance burnt or not counted. They were destroyed at all events, whether burnt or not. But I think there was a candle there and I burnt them. I held them up for the inspection of the candidates who were present; one was George Walker, and the others that was present. In every instance I took particular pains to show Browne whether they were folded or not; in fact I allowed him to decide whether he considered them folded or not.

Q. Did Browne consent to your disposition of the votes?—A. In every instance he did.

Q. Did the number of votes tally with the number of names on your poll-list?—A. No, sir, they did not; if my memory serves me right there were 620 names on the poll-list, and 1,160 odd it was certainly over 1,160 in the box.

Q. In what manner did you dispose of the surplus?—A. The entire tickets were put together in the box, and it was covered with three or four thicknesses of sample paper, and the clerk drew them out, and as they were drawn out they were burnt—the excess or difference between 1,160 and 620.

Q. What class of tickets were drawn out by your clerk?—A. Well there were a good many tissue tickets, and there were a good many Republican tickets drawn, and there were a great many long Democratic tickets drawn out—there were three kinds of tickets used there the tissue tickets, the Republican ticket, and the regular Democratic ticket.

Q. Was your clerk instructed to draw the tickets as he came to them?—A. Yes, sir; he was, as they came to his hand. On three occasions he drew out three tickets together; both Browne, Walker, and Lemesue decided that they should be put back; I said that was not my instruction, they cannot be put back and drawn out again; as they are out they must stay out.

Q. Did Browne consent then to your arrangement?—A. Oh, yes, sir.

Q. He made no objections?—A. Not the slightest; no one made any objection, and I felt that it did not make any difference to me whether they did or not; the law was read to me, and I was going to do as I thought the act meant, not as they wanted me to do.

Q. Were there any accusations by persons standing around that the drawings were done unfairly?—A. I recollect none, except a general talk among the negroes; there were possibly 100 or so there; they said that they didn't see how Republican tickets could come out and Democratic tickets could not come out. I stopped them, and said, "Don't you see I am burning Democratic tickets, and if fate is against you what can I do for you."

Q. Did their complaining amount to anything much?—A. No, sir there was one, a prominent Republican, by the name of William Magill he said, "Boys, if we are beat, let us stay beat; Mr. Muirhead would not do anything wrong, and don't make fools of yourself."

Q. Do you remember any of their grumbling?—A. They objected to us remonstrating with them for their grumbling.

Q. Were there many Democratic tickets drawn out?—A. There were a good many.

Q. Were there a number of tissue tickets destroyed?—A. Well, I did not count them, but there must have been over 100 destroyed. I noticed that a good many were destroyed, for I burnt every ticket as it was drawn out, and I am satisfied I burnt a great many tissue tickets.

Q. Did R. C. Browne, the United States supervisor, witness the destruction?—A. He did.

Q. What was his position in the room; how near was he to the candle or other instrument by which you burnt them?—A. About 3 ft from the candle and about 5 feet from the box.

Q. Were there many others standing around?—A. Towards the last there were not many, not more than 50; when we first commenced to count the room was full, many could not see the box at all.

Q. Were the tickets pressed out full when you burnt them or were

they crumpled!—A. They had the appearance of any other ticket put in the ballot-box. I could not say they were pressed out; they appeared to me the same as any other tickets that were put in the ballot-box. It did not seem to me that any care was taken to press them or crumple them up.

Q. Did not a number of them come out folded?—A. No, sir; but just the same as they were put in the box. They had to be folded to be put into the box, and it was natural they would get unfolded stirring them up.

Q. Did Browne appear to be satisfied with the manner you conducted the destruction?—A. Yes, sir; the last words he said, that he had never been treated with more courtesy in all his life, and that he had never seen an election conducted more fairly at any poll that he has ever been at.

Q. Was it true that during the day the box was depressed so that Browne could not see it?—A. No, sir; on one or two occasions during the day—there was only one window to this house that the election was held at; there were two doors, and a window in the centre—I had a board run through each door, then a board put across them; the ordinary window sill would not have been wide enough to hold the ballot-box. On several occasions during the day the State constables passing through sunk the foot of the ballot-box, but in no instance did the ballot-box ever leave the window-sill or that board, or it ever got so that he could not see it or anybody could not see it in the piazza that was looking at it.

Q. That sinking that you speak of, was it momentary?—A. Yes, sir; simply a man passing through—there was a crowd outside of the door—instead of jumping over he stepped diagonally across, which brought the pressure on the board diagonally, which consequently sunk it, but in no instance did it sink to any more than canting the ballot-box.

Q. Could any one vote during that instantaneous canting?—A. Yes, sir; the voting was never stopped during the entire day.

Q. What I mean is, during the instances when the managers or other persons might be crossing the board, could any one put in their vote?—A. No, sir; it was perfectly impossible, because the door was three or three and a half feet from the box.

Q. Is it true that Browne was 10 feet from that box?—A. No, sir, it is positively not so; it could be proven by 100 witnesses he was not, either night or day.

Q. You spoke of the construction of the law; had you taken particular pains to find out what the law was?—A. No, sir; I just told Mr. Walker to read the act out, and he read it then and there.

Q. You knew the law, because Mr. Walker read it?—A. Yes, sir; that's all. I never was a manager before in my life.

Q. You made a point of getting Mr. Walker to read the act to you?—A. Yes, sir; that was all the law I heard read in regard to conducting election. As I heard it read, I construed it.

Q. Do you know how the negroes voted that day; did a plenty of them vote the Democratic ticket?—A. Yes, sir; a plenty of them.

Q. Did you see any of them?—A. Yes, sir.

Q. Did any of them say they voted it?—A. They dare not say they voted it.

Q. Why not?—A. Because the negro's life is not safe that votes the Democratic ticket. They turn them out of the church, and their wives won't sleep with them, so they tell me. My negroes left my gin-house the other day; I asked them why they had to go; they said they

would be compelled to go, because Mr. Mackey would be there, and that it was given out in church for them to be there by Mr. Mackey.

Q. Did I understand you correctly to say that your negroes informed you of this social ostracism?—A. They informed me that they had to go down there; that it was given out to them at the church, whether by Mr. Mackey or the preacher I don't know which; they said they had to go, or be put in jail for 10 days. I said "I don't have to go too?" and they said, no. I said, "I have lost two days' work already because Mackey comes here and wants testimony, and for that reason I am to stop my work."

Q. Do you think a negro would own he voted the Democratic ticket?—A. No, sir; not one.

Q. What are your reasons for saying so?—A. Because they fear the social punishments.

Q. You mean ostracism?—A. Yes, sir; and being turned out of the church.

Q. Have a number told you of such things?—A. They never spoke to me directly on the subject, but I heard them talking together.

Q. Have you had much dealings with negroes?—A. I was born and raised among them and managed them all my life.

Q. Have you reason to believe what you heard them say about their social ostracism is true, and about their church punishments?—A. I do.

Q. Do you know instances where wives refused to sleep in beds with their husbands?—A. I cannot say I know that far. In the year 1876 I saw women walk up and down with bayonets on sticks, swearing they would kill the first damn negro that voted the Democratic ticket. I walked into the woods and saw muskets secreted there. There were several of us there.

Q. Do you think that apprehension of their danger—those that voted the Democratic ticket—was sufficient to make them deny that they had voted the Democratic ticket?—A. Of course; they would never dream of doing so; they would sooner have cut their right hands off than say they voted the Democratic ticket. We all know what means are used against the negro here. What man can keep his people to work when Mackey and Bowen comes over there? I could not have kept my hands to work for \$5 per day—I don't believe for \$50—so satisfied were they that they would be put in jail or punished.

Q. He gives out those things?—A. I don't know, but it was given out at the Four Mile Church. I have a negro living on my place. I asked him if he was going; he said no.

Q. Was he a Democrat?—A. I know he voted the Democratic ticket, but he says he voted the Republican ticket.

Q. Is that unusual among them?—A. There are rare instances; I think Horlbeck has a man on his place named William Stewart that would say he voted the Democratic ticket; I don't think there are 15 or 20 other negroes that would say that they voted the Democratic ticket.

Q. Are negroes so regardless of their statements that they would say they voted the Republican ticket when they voted the Democratic ticket?—A. Yes, sir.

Q. Do you think a negro would keep his oath?—A. An oath! No, sir; I have yet to meet a single one.

Q. You think they have a perfect disregard of his oath?—A. Perfectly so.

Q. Is that the result of your experience amongst them?—A. Yes, sir; mine for 25 years and my father's for 44 more, and everybody else's who have ever managed them.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Can you give any reasonable explanation for this propensity among the negroes to swear falsely?—A. The only reason I can assign is I never knew them to swear truthfully where there was any kind of question involved, as a general thing.

Q. Do you mean by your evidence to signify that a negro, where he has no pecuniary interest or direct interest in a matter, is utterly incapable of telling the truth?—A. In this instance he thinks he has a great deal of pecuniary interest, because he thinks his interests rests in the Republican party. I expect you are aware of that. My opinion of the negro character is that he is devoid of truth and honesty, and if you can make a truthful being out of those voidless creatures that is more than my religion teaches me.

Q. Have you read a work entitled "Ariel"?—A. No, sir; I never have; but I have read the Bible.

Q. Have you ever heard the opinions expressed by Ariel in regard to the negro?—A. Yes, sir; every man has.

Q. Is your opinion of the negro the same as that expressed by Ariel?—A. My opinion of the negro is, where it suits his purpose he stops at nothing.

Q. You said that, in your opinion, interest that they had in swearing falsely in regard to how they voted in the last election was due to the fact that they believed that it was for the benefit of the Republican party?—A. Yes, sir; for they believed it benefited them.

Q. Was that the opinion of those who voted the Democratic ticket?—A. No; not those who voted the Democratic ticket; but the ostracism and terrorism that would be used upon them makes them afraid to acknowledge that.

Q. What interest would a negro who voted the Democratic ticket have in swearing he voted the Republican ticket?—A. The fear of being punished by his friends or his associates would keep them from acknowledging that fact.

Q. You stated that you were told by some negroes that if they did not come and give their testimony as to how they voted they would be put in jail for 10 days; can you give the name of any one that told you so?—A. Merely a general talk among them; they were giving their views to me of the matter.

Q. Can you recollect the names of any number of persons who told you if they didn't come to testify they would have to go to jail for 10 days?—A. I don't know of any particular one; but by general talk.

Q. Did any of them tell you that was publicly given out at the 4-mile?—A. I don't know that they said so.

Q. Did they tell you that the minister told them that they had to go down and testify, or that they received the information from Mr. Mackey himself?—A. I accused one of the leading men in the church that the minister done it, and he told me, "You are accusing our preacher wrong"; that Mr. Mackey done it himself. I remarked that it was a very poor place for Mr. Mackey to go to have his political meetings. I have no doubt, as far as my opinion goes, that it was given out by the minister or Mr. Mackey, by both of you; that is my opinion. I don't think Mr. Mackey could have seen them all; I don't think they were all at church.

Q. Who, besides yourself, were managers of election at Mt. Pleasant at the last general election?—A. Mr. Gadsden Fell.

Q. Were you and Mr. Fell the only two managers present?—A. The only two.

Q. Who was the clerk?—A. William McCants Venning.

Q. Were not you, Mr. Fell, and Mr. Venning all Democrats?—A. W were.

Q. Was there any Republican managers of election at that poll?—A None that I know of.

Q. When the box was opened and exposed as you alleged, were the people present on the piazza or out on the open space in front of the piazza?—A. Six hundred and twenty persons were not present, but there were a great many persons on the piazza.

Q. Who first objected to the presence of the United States supervisor in the room?—A. I did. I did not object to his being in the room, objected to him not being in the presence of the ballot-box. I could not see how he could be in the presence of the voters in the room. A the best it is a dark room; the piazza is only six or seven feet wide.

Q. Did not the manager call upon Mr. Walker for his construction of the law in regard to the position the supervisor should occupy?—A When I opened the box, together with the directions there was an act governing the election. Mr. Walker was present on the outside of the piazza. He was a lawyer, and I handed it to him, and said, "Walker I can't see very well here; I wish you would read this out; you are a lawyer; and read it slowly, so as I can form an opinion," and the law distinctly told me, if I remember it right, that the supervisor was to be in the immediate presence of the ballot-box. His table would have been on my right in the room. I would have stood there and covered the whole window, and how he was to see the ballot-box over two men 6 feet 3 could not see for my life. I had no motive except that he should be in the presence of the ballot-box. I objected to him being on the side of the ballot-box.

Q. Was not Mr. Walker, whose opinion you asked, a candidate on the Democratic ticket for member of the legislature?—A. Of course he was; everybody knows that.

Q. The trouble is they don't know it in Congress.—A. Yes, sir; he was.

Q. After Mr. Walker read the law did he not call upon the manager to decide upon the right of Browne to remain in the room?—A. He said to me, "Mr. Chairman, it rests with you where in the presence of the ballot-box is."

Q. Did you not say to Browne that he could not remain in the room without your permission?—A. I said he could not remain in the rear of the ballot-box, and not in its presence, with my permission.

Q. Did you call upon any of the State constables to put him out of the room?—A. No, sir; I did not call or see anybody else call upon the State constables.

Q. Did any of the State constables there put him out?—A. No, sir. None were in the room, and no one had a right to order them but myself.

Q. When you say there were no State constables in the room, do you mean that there were none at the poll?—A. There were several there in the piazza, but none in the room.

Q. In regard to the location of the ballot-box, I desire to ascertain whether or not this is a correct statement of where the ballot-box was placed, and how it remained during the day. The ballot-box, as I understand it, rested partly on the board and partly on the window-sill that board stretched across the window, and across each of the doors on both sides of the window?—A. Yes, sir.

Q. So that no one could enter the room through either of those doors without stepping over that board?—A. Yes, sir; or on it.

Q. That is a correct statement of the position the ballot-box occupied, is it not?—A. Yes, sir; that is a correct statement.

Q. At the close of the poll, when the managers proceeded to count the votes in the box so as to ascertain the whole number, did they not first take each ticket out of the box and then unfold it, so as to see if any other tickets were enclosed, and then throw it in this tray which you have mentioned?—A. Each ticket was taken out separately.

Q. When taken out was it unfolded?—A. No, sir.

Q. Well, then, how could you ascertain whether two or more tickets were folded together, or whether any tickets were enclosed in the one taken out unless you did unfold them?—A. It was only in the instances where they were folded together that it was necessary to unfold them.

Q. What I desire to understand is, how was it possible for you to know that two or more tickets were folded together unless you unfolded them to ascertain that fact?—A. If we found tickets folded together we would have to unfold them to find out how many were in them; but the only instances where tickets were unfolded were to find out how many were in them.

Q. When the tickets were being drawn out in excess of the number over the poll-list, who burnt them?—A. I did.

Q. In order to make them light did you not have to unfold each ticket, or did you set it on fire all folded together?—A. After the excess was found out they were stirred up together and the excess drawn; there was natural stiffness enough about them to separate them. I can take two or three pieces of writing paper and you can fold them as much as you please, but when you come to stir them up they will become opened.

Q. Those had the appearance that they had become unfolded?—A. Yes, sir; but in the natural form that they were put in the ballot-box. To have taken the tickets out of the box and burnt them as they were deposited would have been scarcely possible; the tickets were about the size of an envelope, and you could set fire to them without burning your fingers. It did not matter to me what part of the ticket caught fire. I simply sat it afire and threw it down.

Q. In the burning did not the candle at which they were burnt stand between the ballot-box and Browne?—A. Browne was sitting with his paper on the board, and the candle was on the same board, and the ballot-box was a little to the rear of the board and to my right, and Browne was sitting to this desk or board.

Q. If I understand you correctly, there was a board stretched across the room?—A. Yes, sir.

Q. And upon this board stood the candle at which the tickets were burnt?—A. Yes, sir.

Q. And at the same board Browne was sitting writing?—A. Yes, sir.

Q. And a little to the right of that board stood the ballot-box out of which the tickets were being drawn?—A. Yes, sir.

Q. How large a crowd were present in the early part of the evening, when these tickets were being drawn out and burnt?—A. There might have been between 50 and 100.

Q. Republicans and Democrats?—A. There were very few Democrats; the most of them were Republicans.

Q. What kind of a ticket were mostly voted by the Democrats during the day; the tissue ticket or the large white paper ticket?—A. The Republican and Democratic tickets that were large were very much of a size, but as soon as they commenced to vote the tissue tickets I could see what they were voting.

Q. Are you not well acquainted with most of the people that voted at the poll at which you were a manager?—A. Well, I am acquainted with every white man in the parish, but I don't know that I am acquainted with the negroes, except knowing the names of some.

Q. With most of the Democrats are you not well acquainted?—A. Yes, sir.

Q. Those whom you knew to be Democrats, what kind of ticket did they mostly vote?—A. A tissue ticket.

Q. Was not the tissue ticket at that poll used more generally by the Democratic voters than the large white ticket?—A. I am unable to say; the fact is, that was the only thing I could distinguish the Republican and Democratic tickets by. It was not my business to scrutinize their tickets, except when I saw that they were voting more than one ticket, and bring it to the notice of the United States supervisor.

Q. If those that you knew were Democrats voted tissue tickets, were not the tissue tickets more generally used than the large?—A. I don't think they were. I think there was a good many of both used.

Q. You say you saw a good number of negroes vote the Democratic ticket; can you state about how many you saw voting the Democratic ticket?—A. No; my business was not to keep the number of negroes that voted the Democratic ticket. My business was to keep the election pure, not the number of Republican or Democratic tickets voted.

Q. But you have testified that you saw a large number of negroes vote the Democratic ticket. I now desire to ascertain how do you know they voted the Democratic ticket?—A. Many of them promised me to vote the Democratic ticket, and judging from the amount of Democratic tickets that were in the box, they certainly did.

Q. Is that the manner in which you derived the idea that a large number of them voted the Democratic ticket?—A. Well, I am perfectly satisfied, from the number of Democratic tickets that were in the box that the Democratic tickets had been voted by them.

Q. Am I to understand by your testimony that you gave upon the direct examination that you saw a number of negroes deposit Democratic tickets in the ballot-box, or am I to understand that you think a large number voted the Democratic ticket because they promised you, and you afterwards saw a majority of Democratic tickets in the box?—A. You ought to understand me that a large number of negroes did vote the Democratic ticket, and the count shows they did vote the Democratic ticket.

Q. What I want to know is, did you yourself see a large number of negroes deposit Democratic tickets in the box?—A. Well, I did see a large majority of Democratic votes deposited in the ballot-box; whether they were deposited by black or white they were there, and there was not a sufficient number of white voters to have voted the number of Democratic tickets that were there; consequently they did vote the Democratic ticket.

Q. Your opinion, then, is based, as I understand you, that the ticket were in the box, and not that you saw them deposited while the voter were in the act of voting?—A. My opinion is based upon this fact. I was not sent there to see whether they voted the Republican or Democratic ticket, but I am fairly fixed upon the fact that the Democratic ticket was voted by them; and the further proof that they were voted by them is because they were in the box, and they were counted in the box, and, therefore, I am forced to believe that the Democratic voter voted more Republican voters than Republicans voted on that day.

Q. I only press this inquiry because I understood from your testimon

in chief that the reason why you thought a large number of negroes voted the Democratic ticket was because you saw them vote it, and, therefore, I would like you to state whether or not you actually saw a large number of negroes deposit, while the voting was going on, Democratic tickets in the ballot-box.—A. I saw them voting a large number of Democratic tickets, and the negroes that voted the Democratic tickets voted principally the tissue tickets.

Q. If, then, the negroes are afraid of each other, knowing that they voted the Democratic ticket, could they not have easier concealed from the other negroes how they voted by voting a large white Democratic ticket, which was printed on similar paper to the Republican ticket, and not a tissue ticket?—A. That is a mere difference of opinion. I think a small ticket can be more easily concealed than a large one. I saw them myself walk up to the poll with a Republican ticket in their right hand and a tissue ticket in their left and put it in the ballot-box. You know much better how these things are done than I do.

Q. When a Republican and a Democratic ticket, both of a large kind, are folded could any one distinguish one from the other?—A. I never have noticed them near enough to know whether they could be or not. I think I could distinguish them. I think one was printed in blue ink and one in red; the Republican ticket is usually printed in red ink. I may be mistaken, I never had much to do with elections, but I think I noticed it on that day and in the election of 1876.

Q. In your opinion, then, even when the two large tickets are folded, a person could distinguish one from the other?—A. I say I could.

Q. You mention the fact that Browne was absent twice?—A. Yes, sir.

Q. During the time he was absent you stated that Summersill and Hale took his place; did either of them during his absence write the names of persons that had voted during that time on his poll-list, or did he, after his return, when you called out the names, enter them himself?—A. No, sir; he entered all the names that voted himself, and Hale did likewise.

Q. During that time did many persons vote, or was he absent only a few moments?—A. Possibly about a half dozen voted, and on each occasion I had him to call over his poll-list and see whether it tallied with mine.

Q. At the close of the polls, so far as the names on the poll-list were concerned, both poll-lists tallied?—A. Yes, sir.

Q. Of the 1,160 votes found in the box, were they exclusive of those that were found folded two or more together?—A. Yes, sir; they were not included. All that I found folded together were Republican tickets, except in one or two instances I found tissue tickets folded in a Republican ticket.

Q. Did you find any tissue tickets folded inside of the large Democratic tickets?—A. I did not.

Q. Did any tissue tickets fall outside of large Democratic tickets while you were taking them out of the box?—A. I don't think they fell out of large Democratic tickets, but in one or two instances they fell out of the box, and they fell singly when they did fall.

Q. When was it when Browne said that he was never treated more courteously, or seen an election conducted more fairly?—A. Upon his leaving.

Q. Did he say so to you?—A. Yes, sir; Walker, Hale, Lesesne, and myself was standing in the piazza at the same time.

Q. Was the colored man who you said remonstrated with the other

colored people about their grumbling named William J. Murrell?—A. I know his name is William Murrell, but I don't know whether it is William J. Murrell.

Q. Does he reside in Mount Pleasant?—A. I don't know, but if he lives still at McCant's place, he lives about 7 miles from Mount Pleasant.

In reply by H. E. RAVENEL, counsel for contestee:

Q. Mr. Mackey has asked in what sort of tickets you found these tissue tickets folded, or if you found them folded in large Democratic tickets. You said that in one or two instances they were in Republican tickets. I must ask you if they fell out of larger tickets. Were not the tissue tickets of a size that they might have been put into the box under concealment of a large ticket, and got separated in the box from a large ticket?—A. Yes, sir; it could have easily been done.

Q. You say that you saw some negroes come up to the poll holding a Republican ticket in their right hand and holding a tissue ticket in their left hand?—A. Yes, sir.

Q. What object did they have in doing that?—A. They were afraid of the other negroes seeing them vote the Democratic ticket, the rallyers around there.

Deposition of J. Osweell Freeman.

CHARLESTON, November 24th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County:

J. OSWELL FREEMAN (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. Where do you reside?—Answer. I reside at Mount Pleasant.

Q. Where were you at the time of the general election of 1878?—A. I was at the Mount Pleasant precinct poll.

Q. At what hour of that day did you reach the polling place?—A. Before the ballot-box was opened in the morning.

Q. At what hour was it opened?—A. I think 6 o'clock. I think that was the hour appointed by law.

Q. In what manner did the managers open the box?—A. The managers called out that the hour of opening had arrived and that the polls would be opened; one of them, Muirhead or Fell, turned the box upside down, to show that nothing was in it, and they closed it up and commenced to take the ballots.

Q. You are positive that there was nothing in that box?—A. I am. I don't see how it could be turned upside down and have anything in it.

Q. Were there a number of parties present at that time?—A. Yes, sir; several persons of both parties.

Q. Was R. C. Browne present?—A. I don't think he had arrived, though he got there a few minutes after; he was behind time, I think.

Q. You think he got there very soon after?—A. Very soon after.

Q. Where did he go when he got there?—A. He first went inside of the room where the managers were.

Q. Just narrate what you remember to have happened.—A. Just

en Mr. Muirhead objected to his being there ; he said he didn't think had any right to be there ; that he ought to be in the presence of the x, and that none but the managers were allowed in there ; he agreed go outside by the window where the ballot box was placed. A table d a chair was got for him, and there he sat with his documents before m, in reach of the ballot-box ; he could have reached and touched the lot-box at any time.

Q. Did anybody threaten Browne to put him out unless he left ?—A. ot to my knowledge ; if it was so I would have seen it.

Q. Did Browne seem to acquiesce in the arrangement ?—A. He did it seem to like it, but at the same time he said if they urged it he ould go out.

Q. You remember anything the managers said regarding Browne's resence in the room ?—A. They said that they did not think he had a ght to be in there and they could not agree to his remaining.

Q. Was he in a favorable position inside of the room, or was he in a etter position when he went out ?—A. He was nearer the ballot-box hen he went out.

Q. How was the ballot-box situated ?—A. Just inside the window.

Q. What was the position of the managers ?—A. Right around it, in each of it.

Q. If they were around it inside of the room, they would have been etween it and any party sitting in the room ?—A. Yes, sir.

Q. Do you remember Mr. Walker reading the law to the managers ?—A. Yes, sir.

Q. He read them the statutes ?—A. Yes, sir.

Q. Did you vote there that day ?—A. I did.

Q. Is it true that you voted 16 tissue tickets ?—A. No, sir ; it is the iest intolerable falsehood ever uttered.

Q. How many tickets did you vote ?—A. One ticket—the Democratic cket.

Q. Did you ever vote more than one ?—A. No more than one.

Q. Is the statement of the fact that you voted 16 tissue tickets false ?—A. It is false and an unmitigated lie.

Q. If you had voted 16 tickets, would you not have folded them in ch a manner that no one could count them ?—A. Yes, sir ; I think r. Browne must have been possessed with some inscrutable sight to e that I voted 16 tickets ; he may as well have said I voted 1,600. I ard Browne made that charge against me.

Q. Were you present at the closing of the poll ?—A. Yes, sir.

Q. What transpired after the polls were closed ?—A. After the polls e closed the votes were counted. Browne went into the room where , managers were, and several other parties were admitted.

Q. Was it dark then ?—A. Yes, sir ; it was done by candle light.

Q. What were the means of lighting the room ?—A. By candle ; I ieve not over bright—very dim.

Q. What was done with the tickets in excess ?—A. Over the regis ed number of votes ?

Q. Yes.—A. They were burned.

Q. Who burnt them, the managers or a third party ?—A. The excess tickets were drawn from the box by Mr. Venning, the clerk, and the ming done by one of the managers ; Mr. Venning, the clerk, drew the sets out of the box, and Mr. Muirhead burnt them, according to my ollection.

Q. This excess was burnt after the first counting ?—A. Yes, sir ; after , first counting.

Q. Do you know how they counted them the first time; for instance, when two or three tickets came out folded together, what did they do?—A. If they were unlike they were both counted, and if they were alike, I think they were burnt.

Q. You don't know particularly about that?—A. No, sir.

Q. You know that some were destroyed on the first count?—A. Yes, sir.

Q. When the tickets were counted, were they opened out?—A. Yes, sir.

Q. What was done with them when they were first counted?—A. They were put back into the ballot-box, and the excess drawn out and burnt.

Q. They could not put them back into the ballot-box immediately, those that they picked out?—A. They had a large tray or waiter, and they put them in that until they got the box empty—then they were put back into the box.

Q. When those tickets were put on the tray, were some of those tickets folded or crumpled?—A. I did not pay much attention to that.

Q. Do you think if they were opened the tray was large enough to hold them?—A. The tray was quite full, but whether some were opened or some folded or crumpled up I would not pretend to say.

Q. Everything was done fairly as far as you saw?—A. Yes, sir. Browne said that, when he went off that night, he said that he had been treated very handsomely, and that everything had been conducted fairly.

Cross-examination by E. W. M. MACKEY, contestant:

Q. In voting did you vote a large Democratic ticket or a small tissue ticket?—A. A large ticket, with a negro's name scratched on it.

Q. There were then some negro candidates on the Democratic ticket?—A. Yes, sir.

Q. Do you recollect how many?—A. I do not now; I think some three or four.

Q. You scratched them all off?—A. Yes, sir.

Q. Do you swear positively that there were none of these tissue tickets enclosed with your large ticket?—A. I do swear positively. I am not that sort of man to vote more than one ticket.

Q. Did you remain at the poll all day?—A. I was absent for a little while during the day at times. I was there pretty nearly all day, though I went off to dinner.

Q. When Mr. Muirhead locked the box, how far were you standing from him?—A. I don't remember exactly the number of feet, but I suppose about 7 or 8.

Q. Behind or in front of him?—A. I was on the piazza, and he was standing in the window.

Q. When he locked it, did he not have to turn it from you towards him; that is, the side to which the lock was attached?—A. I don't remember that; I didn't take any particular notice of that.

Q. R. C. Browne, did he not request to be allowed to see within the box?—A. I don't remember whether he did that or not; the box was closed then; ballots had been taken.

Q. Had any ballots been deposited previous to the arrival of Browne?—A. Very few, I think.

Q. Are you positive about that?—A. I am.

Q. Do you mean deposited by persons voting in the regular manner?—A. Yes, sir.

Q. Was not Mr. J. H. Fell the first person that voted at that poll?—A. I don't remember who voted first.

Q. If he has testified that he voted after Browne's arrival, might you not be mistaken that the voting began before Browne's arrival?—A. Well, I know the box was closed and locked before Browne's arrival; I am confident of that; but I did not observe who voted first, whether Fell voted first or not.

Q. Did I understand you to say that Mr. Walker objected to Browne being in the room where the managers were?—A. Mr. Walker read the law, and the managers objected.

Q. You mean Mr. George R. Walker, the candidate on the Democrat ticket for the legislature?—A. Yes, sir; he read the law to them.

Q. Was the ballot-box raised on the window-sill, or on a board inside of the window-sill?—A. I did not notice that particularly, but it was just in the window; it might have been in there on a board, or on the window-sill.

Q. Were you one of the State constables there on that day?—A. No, sir, I was not.

Q. Can you recollect whether the table at which Browne sat during the day was between the window and one of the side doors, or whether it was on the other side?—A. It was between the two, right at the window.

Q. Did you observe the voting throughout the day?—A. Whenever I was near enough to the ballot-box.

Q. From what you generally observed throughout the day, can you tell whether or not the country colored people voted the Democratic ticket?—A. I know they did.

Q. Can you tell whether a majority voted the Democratic ticket?—A. I cannot say anything about that; I won't swear for any man but myself; there were a great many more voted it than now admit it.

Q. From your general experience throughout the day, could you say whether a majority of the colored people voted the Democratic ticket or the Republican ticket?—A. I could not pretend to say that.

In reply by H. E. RAVENEL, counsel for contestee:

Q. Although you cannot pretend to say that a majority of the negroes voted the Democratic ticket, are you not confident that a large number voted it?—A. I am. I think there must have been; that is, from the number of Democratic tickets in the box.

Q. Have you any other reasons to believe that they did vote it?—A. I heard a number say they were going to vote it, and I heard them say afterwards that they had voted it; we had a large number of them on our club roll.

Q. You then kept a club roll of the negroes you thought were going to vote the Democratic ticket?—A. We had a club of them as well as ourselves.

Q. You say that a great many of them that did vote it deny it now?—A. Yes, sir.

Q. Are you confident that they voted it?—A. Yes, sir; a great many that did vote it on that occasion now claim that they voted the Republican ticket.

Deposition of Wm. McC. Venning.

CHARLESTON, November 24th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Charleston County :

Wm. McC. VENNING (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. Where do you reside?—Answer. Mount Pleasant; I don't just now. I reside 10 miles from Mt. Pleasant, in Christ Church Parish; the time of the election I resided in the village.

Q. What is your occupation?—A. I am a planter.

Q. How old are you?—A. I was 24 this last April.

Q. Where did you vote at the time of the last general election?—A. At the Mt. Pleasant poll.

Q. Were you much at that poll during the day?—A. I was there the whole time from the opening of the poll to the closing.

Q. Did you hold any office that required you to be there?—A. I was clerk of the managers.

Q. At what hour was the poll opened?—A. Six o'clock.

Q. Do you merely guess at that hour, or, have you reasons for saying so?—A. I have reasons for saying it was 6 o'clock.

Q. What reasons have you for saying so?—A. The managers had a watch.

Q. You have reasons to think that watch accurate?—A. I have.

Q. Was the hour of closing regulated also by that watch, in order to show they were opened 12 hours?—A. Yes, sir; by the same watch.

Q. Was there anything in that box when the voting began?—A. Nothing that I know of; the box was opened and emptied and held upside down and locked on the window-sill.

Q. By the managers?—A. Yes, sir.

Q. You saw the box publicly exposed?—A. Yes, sir; shaken and turned upside down and put back on the window-sill and locked.

Q. Was it publicly locked?—A. Yes, sir; so that every one could see it.

Q. Was R. C. Browne, the United States supervisor, present at the opening of the poll?—A. No, sir; not when the box was opened and locked; he did not get there until a little after six. I have forgotten the exact time now.

Q. It was not much after six?—A. I think it was 10 or 15 minutes after six when he got there.

Q. When he came there did he enter the room where you and the managers were?—A. Yes, sir.

Q. Did he remain there?—A. No, sir; we were not exactly in the room, but we had a place boarded off. Mr. Walker objected to his being inside where the managers were, and said he could be nearer the box outside than he could be inside.

Q. You say that Mr. Walker objected?—A. At least Mr. Walker asked the managers if they would allow Browne to stay in there, and the managers objected. Mr. Walker only asked the managers if he could stay in there, and the chairman objected to his being in there.

Q. In what manner did Mr. Walker make his objection?—A. Well,

he told the managers that he did not think it was necessary for the supervisor to be in there, and they agreed with him, and the managers asked him to leave, and he left.

Q. You know what grounds the managers had for their opinion that Browne should not be in there?—A. They said he had no right in there, that he could be nearer to the box outside than inside, and that he had no right to force himself inside; the other supervisor was outside; they read the law out and it did not show that he should be near the managers, but that he should be near the box.

Q. Did they pretend to have any law for their opinion?—A. Yes, sir; they read out the rules for the election, that the supervisor should be in sight of the box; it did not say that he should be inside of the poll.

Q. Did they ask Mr. Walker's advice as a lawyer?—A. Yes, sir; they asked his advice, and he took a paper from his pocket and read it.

Q. Did anybody threaten Browne in any way?—A. No, sir.

Q. Was there any molestation or unkindness used towards him?—A. No, sir; they only told him he must go outside, and he left.

Q. When outside did you let him get near the box?—A. Yes, sir.

Q. Did he get a better position than he would have had inside?—A. Yes, sir; he did. He could have put his hand on the box any time.

Q. Was the box allowed to remain in its position all day?—A. Yes, sir; it was not removed all day.

Q. Was it ever placed in such a position that Browne could not see it?—A. No, sir; he could always see it except when he left himself.

Q. When he left himself did he get some one to act for him?—A. Yes, sir; he had some one to act for him.

Q. Did you allow him and his assistants to have free access to your poll-list to see that it tallied with his?—A. I think it was after every twenty-five votes, we would call out the number which each had.

Q. In what manner was the counting and canvass of those votes conducted after the closing of that poll?—A. Well when they were taken out some boards were laid down on a bench, and we took pieces of paper and made a tray, and counted them outside in that; that is, the managers took the votes out and counted them.

Q. Was the counting and the canvass conducted in the presence of the public?—A. Yes, sir; the hall was crowded.

Q. Was Browne present?—A. Yes, sir; the two supervisors kept the tally.

Q. The supervisor you mean was not appointed by the government, but by the Democratic party?—A. Yes, sir, all.

Q. Browne kept a tally?—A. Yes, sir; he kept a tally, all of them.

Q. Was Browne the United States supervisor, though you referred to the other?—A. Yes, sir; there were three tallies kept; I kept one, Browne kept one, and this other man kept one.

Q. When two tickets came out folded together, what was done with them?—A. When both were Democratic of the same kind, one was counted and the other burnt; if they were Republican one was counted and one was destroyed.

Q. If they were unlike, what was done?—A. If two of each kind were found together they were both destroyed.

Q. When three or four came out together, if such was the case, what was done?—A. All were destroyed but one.

Q. Were the tickets sufficient in bulk to fill those trays you had?—A. Yes, sir; only one tray we had, and they filled it.

Q. Were any of the tickets in that tray folded?—A. Not in the tray,

they were not folded ; they were opened by the managers as they took them from the box.

Q. Could they get them back into the box all unfolded ?—A. Yes, sir ; they got them all back into the box.

Q. Did it require some little packing of them in order to do it ?—A. No, sir ; the box was not full from the first.

Q. When the tickets were drawn out of that box, in what manner was it conducted, I mean the second drawing out, in order to draw the excess ?—A. The box was covered with a sheet of paper, and the hand was put in under the paper, and the tickets were drawn out.

Q. Who did the drawing ?—A. I did.

Q. Did you take them as they came ?—A. I took them as they came.

Q. Did some come out folded ?—A. No, sir ; none came out folded ; some would be drawn up a little, but they would not be regularly folded.

Q. Was some crumpled up ?—A. Yes, sir.

Q. Could parties standing in the room distant, tell what sort of ticket was being drawn ?—A. Yes, sir ; they could.

Q. How could they tell ?—A. There were some about two feet from the box, the majority of them, and they could generally look at the tickets, and tell them ; the tickets were all generally of different sizes.

Q. You think names could be read ?—A. No names could have been read ; they had no time to read names.

Q. Did Browne appear to be satisfied at the close of the day's work ?—A. He appeared to be perfectly satisfied.

Q. Did he say anything to that effect ?—A. He said he spent a pleasant day, that he was satisfied, it was done fair ; he agreed with everything we did.

Q. Did the managers endeavor to find out and obey the directions of the law on all points ?—A. They did.

Q. You know whether any negroes voted the Democratic ticket on that day ?—A. Yes, sir ; a good many voted the Democratic ticket.

Q. You think a large number voted it ?—A. I do.

Q. What is your opinion now ? Did those who then voted it now deny they then done it ?—A. Yes, sir ; I know some that do deny it.

Q. How do you account for that fear ?—A. They deny it because they are afraid of the other negroes.

Q. What reason have they for fear ?—A. Usually at the elections they have been threatened, and they often got a beating because they wanted to vote Democratic ticket.

Q. You know of such instances ?—A. I know of where they say that they have been threatened for voting the Democratic ticket.

Q. You say that you have heard them say they have been threatened ?—A. Yes, sir.

Q. Have you heard of instances of violence ?—A. I never heard of any at this last election.

Q. But have you ever heard of any instances of violence ?—A. At the election before this I heard of it.

Q. Well, do you mean to say that negroes that voted the Democratic ticket at the last election were threatened with a repetition of this same violence ?

(Objected to by contestant as leading.)

A. Yes, sir.

Q. If they were put on their oath, do you think they would testify truly as to what ticket they voted ?—A. No, sir ; I don't think they would.

Q. Do you not think that a negro regards his oath?—A. No, sir; I don't think a negro thinks it is anything to take an oath, and to tell a little lie after it; they have told me so; that is my reasons for saying so.

Cross-examination by E. W. M. MACKEY, contestant:

Q. What do you mean by saying they told you so?—A. I had a case the other day, and it was amongst negroes. I could not do anything with them; there were three negro witnesses, and the negroes proposed to me that I should say that the other negroes were sent. I said I did not care about lying. They said that would keep their words from coming true.

Q. Did any of them tell you or not that they wouldn't mind taking a false oath as to how they voted?—A. No, sir; I did not say anything about the voting question. I did not say anything about it.

Q. Can you name a single instance of a negro who has testified during the recent examinations in this contest as to how he voted who really voted differently from what he testified?—A. No, sir; I cannot, because I never heard the testimony of any of them.

Q. Nor you don't know the names of any of them that testified?—A. I know the names of many of them that testified, but never asked them how they testified, either one way or the other.

Q. Could not any negro who desired to vote the Democratic ticket at the last election at Mt. Pleasant have done so with perfect safety?—A. Well, I don't know about that if he could. I am not sure that he could. A good many said that they could not.

Q. Was there not a large number of State constables for the purpose of protecting the peace and for the purpose of protecting every voter to vote in the way he desired?—A. There was at the polls, but it was afterwards that they were afraid of.

Q. You testified that a large number of negroes voted the Democratic ticket?—A. I believe there were.

Q. Can you give any idea of what you mean by a large number; that is, about how many, in your opinion, voted the Democratic ticket?—A. I don't think I could give you any correct idea of the number exactly.

Q. When you use the term large number, what proportion of the whole number of negroes voted the Democratic ticket?—A. I think there were more than half that voted the Democratic ticket at Mt. Pleasant.

Q. Then, in your opinion, the majority of the negroes of that parish voted the Democratic ticket?—A. Yes, sir.

Q. Can you possibly explain how, if a majority of them voted the Democratic ticket, they had anything to fear from the minority?—A. Well, they did not know which side the majority was acting on; they did not know who were voting the Democratic ticket; they tried to keep it from each other as much as possible.

Q. What reason have you to believe that a majority of the negroes of that parish voted the Democratic ticket?—A. From the way a good many spoke, and I saw a good many vote that ticket, and from the tickets in the box they must have been voted by them.

Q. Is not your opinion based mainly upon the fact that there were a majority of Democratic tickets in the box?—A. No; I saw a great many negroes that I know vote the Democratic ticket.

Q. About how many do you think you saw vote the Democratic ticket?—A. I cannot say how many, because I did not keep an account of how many voted it.

Q. When they voted a Democratic ticket, what kind of ticket did they generally use?—A. The tissue ticket, generally.

Q. Were not the tissue tickets more generally used by the Democrats at your poll than the large white Democratic ticket?—A. I believe they were?

Q. So that of the three different kinds of tickets in the box more were tissue tickets than any other kind?—A. Yes, sir; I think there were more tissue tickets than any other kind.

Q. Have you heard of any instances of a negro who voted the Democratic ticket at the last election being ill-treated by the other negroes for having done so?—A. I have not heard.

Q. Have you heard of a single instance of their being turned out of the church for having voted the Democratic ticket at the last election?—A. A negro came to me and told me that he was threatened with being turned out of his church for having voted the Democratic ticket, but I don't know whether he was turned out or not.

Q. Don't you think that if a majority of the negroes voted the Democratic ticket at the last election that the negroes themselves have now found out that fact?—A. I don't like to say what they have found out; I think the most of them voted it secretly, because they were afraid of the others.

Q. Do you think the negroes are still ignorant that a number of their own people voted the Democratic ticket at the last election?—A. I don't think they are ignorant that a large number of them voted them.

Q. But they might be ignorant that a majority voted it?—A. Yes, sir; but they might be ignorant that a majority voted it.

Q. What do you think induced so many negroes to vote the Democratic ticket at your poll at the last election?—A. I think one reason was, that a good many wanted to try a good government. I heard a good many say they wanted to change.

Q. Did they not get a change two years ago?—A. They had a sort of half-way change.

Q. Could the change have been any more complete than it was two years ago?—A. I think it could.

Q. Well, then, in your opinion, you account for the large number of negroes who voted the Democratic ticket simply upon the ground that they desired a change?—A. I heard a good many say that they voted it for that reason; I don't say all.

Q. Previous to the last election have not the negroes generally voted the Republican ticket—with some exceptions, of course?—A. I believe they have, pretty much.

Q. Did the Democrats take any active measures to bring about this great change in them during this last campaign preceding the last election?—A. They spoke to them, and did all they could to induce them to vote with them.

Q. Did they put forth any more energetic measures than they did in the Hampton campaign of 1876?—A. I had very little to do with the campaign of 1876, and know very little about it.

Q. When you testify in regard to the unreliability of the negro testimony, do you desire to be understood that no negro can be believed on his oath?—A. Not that no negro can be believed. I believe some can be believed, but very few—that is my opinion of them.

Q. You think, then, that negroes, with a few exceptions, are necessarily depraved?—A. I do.

Q. Was it always so, or only recently?—A. As long as I can remem-

ber, but I had nothing to do with them until recently. I know nothing about what they were.

Q. If they cannot be believed on their oath, can you explain how you are willing to believe them when they tell you they voted the Democratic ticket?—A. I don't know that I said that I believed them. I said I was told by a great many that they voted the Democratic ticket.

Q. When those great many told you they voted the Democratic ticket, did you believe them?—A. Some of them.

Q. You will believe them when they tell you that they voted the Democratic ticket, and not believe them when they say they voted the Republican ticket?—A. I believe them if they tell me they voted the Republican ticket. I don't believe they would tell me they voted the Democratic ticket unless they did.

Q. When they did tell you that they voted the Democratic ticket, you think they are to be believed?—A. Not all of them; not every one that tells me so.

Q. Do you believe them generally?—A. I believe those I know. I think they did vote the Democratic ticket.

Q. You have some doubts yourself as to whether some of those that told you they voted the Democratic ticket they did it or not?—A. Yes, sir; some one or two, I have doubts about.

Q. Had the voting begun previous to the arrival of Browne, the Republican supervisor?—A. I don't think so; as well as I remember, I don't think it had.

Q. Is it not a fact that no votes had been deposited up to the time of his arrival?—A. I don't think there were any votes deposited up to that time, as well as I can remember.

Q. From whom did the objections first come in regard to Browne being in the room where the managers were?—A. From the managers themselves; the chairman of the managers was the first one objected.

Q. Mr. Muirhead?—A. Mr. Muirhead.

Q. Did he not then call upon Mr. Walker for his opinion as to the right of Browne being there?—A. Yes, sir; I think he did.

Q. After Mr. Walker had expressed his opinion, did not the managers then decide he could not remain in the room?—A. They did.

Q. Was he not told that he would not be allowed to remain in there, and that he must go outside?—A. Yes, sir.

Q. Do you think that Browne would have gone outside but for these objections?—A. Well, I don't think he would; he would not have come in there if he intended going outside.

Q. So you don't think he went out voluntarily?—A. He went out after they objected. He was not forced out. He was not carried out by force.

Q. Was he not given plainly to understand he could not remain in there?—A. He was told that he was not wanted in there, and he was asked to go outside.

Q. What was the size of this room in which the managers were and where the poll was held?—A. It was a good large room, about 30 feet long.

Q. About how wide?—A. About 20 feet, more or less.

Q. There was ample room inside of the room for Browne without inconveniencing the managers?—A. The managers had a little place railed off for the box, and no one was allowed inside of this railing, a space about 10 feet square.

Q. During the day did the box sit on the window-sill or on a board

that was stretched between the window and doors ?—A. It was on a board just on a level with the window-sill.

Q. Was the top of the box on a level with the window-sill, or the board ?—A. The board on a level with the window-sill.

Q. It was an ordinary inch board ?—A. Yes, sir, about that.

Q. Now, immediately after the close of the poll, did not the managers, after opening the box, first proceed to count the whole number of votes in the box ?—A. Yes, sir.

Q. In order to do that did they not have to take each ticket out of the box and unfold it ?—A. They did.

Q. And then, were not the tickets, after being unfolded, thrown into this tray that was alongside ?—A. Yes, sir.

Q. Were they counted as they were thrown in or counted after ?—A. As they were taken from the box and thrown in.

Q. Then, after that were they not all emptied into the box ?—A. Yes, sir.

Q. And the number in excess drawn out by yourself ?—A. Yes, sir.

Q. As you drew them out did you not hand them to Mr. Muirhead ?—A. I did.

Q. And they were burnt by him ?—A. They were.

Q. When Browne said he had spent a very pleasant day, did he refer to the manner in which he had been treated or the manner in which the election had been conducted ?—A. He said everything went off very pleasant; he referred to everything.

Q. What brought out this remark from Browne ?—A. I don't know that anything brought it out; he said good night, and then made this remark.

Q. Then, in bidding you good night, he said at the same time he spent a pleasant time ?—A. Yes, sir.

Q. It was a mere casual remark ?—A. I suppose so.

Q. Now, can you positively state he said that everything had been conducted fairly and squarely ?—A. Well, during the time he was there he appeared to be satisfied; two or three times when taking the tickets out of the box they would ask him if he was satisfied, and he would say yes.

Q. Did he, when he was going, in unmistakable language, say that everything was conducted fairly and squarely ?—A. I could not say that, not in those words.

Q. How do you know it was positively six o'clock when the poll was opened ?—A. Because it was six o'clock by the watch the managers had, and the watch was supposed to be correct.

Q. Which one of the managers had the watch ?—A. Mr. Fell.

Q. Was it Mr. Fell that said it was 6 o'clock ?—A. They all looked at their watches.

Q. Did Mr. Muirhead have a watch also ?—A. I don't think he did.

In reply by H. E. RAVENEL, Esqr., attorney for contestee:

Q. Mr. Mackey brought out from you, Mr. Venning, the statement that you believed a negro to be generally depraved; do you mean to use the word depraved in relation to their oaths ?—A. That is all I meant—I mean now—I am only speaking in regard to their oaths.

Q. Are they honest in every other respect ?—A. No, sir; I don't consider them so.

Q. When you stated that you had had nothing to do with negroes until recently, what did you mean ?—A. Well, within the last 5 years, before that I had nothing to do with them; I have only been planting for 5 or 6 years, but have been with negroes all my life.

Q. Did you know negroes before that date?—A. Yes, sir. I suppose for the last 10 years I have been among them, and a good with them working on places and knocking about with them. I started to work on different plantations since I have 14 or 15 years old.

Q. When you told Mr. Mackey that you had nothing to do with negroes until recently, what did you mean by recently?—A. I meant within the last year as far as politics are concerned; I had nothing to do with them until the last campaign; I have been working with them on plantations for the last 10 years.

Q. When you last said recently, what did you mean?—A. I meant I knew nothing about them before emancipation.

Q. Was your father a slave owner?—A. He was.

Q. Have you been about your father's slaves all your life?—A. Not my father's, but about my aunt's plantation. I lived with her all my life.

Q. Have you known negroes all your life?—A. I have, all my life.

Q. You say you don't believe all who told you they voted the Democratic ticket; why is that?—A. There is some I don't believe, because from the way they speak to other parties.

Q. State your reasons.—A. I don't believe they voted the Democratic ticket; that is, from the way they talk against the Democratic party at times.

Q. Why did they tell you that they voted it?—A. I don't know; they may have just told me they voted it because they might think I would think more of them.

Q. Did they think they would be benefited if you supposed they supported the Democratic ticket?—A. I think they made up their opinions; they have no reasons for fearing me, and they have no reasons for telling me they did vote it.

Q. Do you mean to say that you supposed that they told you that for to carry favor?—A. O, yes, sir; if a negro wanted a little favor from me, he might come to me and tell me he is a Democrat and voted the Democratic ticket.

Q. Do you think that with the same hope of profit they would state that they voted the Republican ticket on the other hand?—A. They would.

Q. Well, when you stated that the negroes did not know of the number who voted the Democratic ticket, what is the reason that they did not?—A. They were not told about it. I have known of Republicans in the village there, first-class darkies, who always have been Republicans, that voted the Democratic ticket, and they were supposed to vote the Republican ticket—men you could rely on their word; the Republicans never knew they voted it.

Q. Mr. Mackey has asked you to explain how it is that if the majority voted the Democratic ticket they should fear the rest of the negroes?—A. Well, I don't know that the majority knew they had voted the Democratic ticket, because they did it without letting each other know.

Q. You mean to say, then, that you do not think the Democratic negroes knew their own strength?—A. No, sir; I don't think they did.

STATE OF SOUTH CAROLINA,
Charleston County :

In the matter of the contested election in the second Congressional district of South Carolina for Representative in the Forty-sixth Congress of the United States, in which E. W. M. Mackey is the contestant and M. P. O'Connor is the incumbent.

I, E. H. Hogarth, a notary public within and for the county of Charleston and State of South Carolina, do hereby certify that the aforesaid deponents being duly summoned, to wit: Frederick Horlbeck, John S. Horlbeck, J. M. Muirhead, Ferdinand Gregory, Thos. Williams, Wm. M. Hale, Ferdinand Cherry, _____ Royall, _____ Bowson, C Brown, Dr. D. R. Williams, Thos. Hamlin, Jas. Hamlin, Oswald Hamlin, Daniel Jersey, E. Pudigon, John Fell, Capt. C. Lewis, Major Thos. A Hugnenin, Dr. Josh Toomer, Wm. Venning, J. T. Edmonston, produced by said contestee, personally appeared before me at "Moun Pleasant," in the county of Charleston in the State aforesaid, and being first severally cautioned and sworn to speak the truth, the whole truth and nothing but the truth, in the matter of said contested election gave the foregoing depositions by them respectively subscribed.

That I caused the testimony of said deponents, with the questions propounded to them by the counsel and agents of said parties to be taken down by a stenographer in my presence, and in the presence of said deponents and of the counsel and agents of said parties, except a hereinafter mentioned, and caused the said testimony to be carefully read to said deponents, and also to be duly subscribed and attested by said deponents, respectively, in my presence.

That the contestant, E. W. M. Mackey, was present at the examination of said deponents, and the contestee, M. P. O'Connor, was present by his agent and counsel, Henry Edmund Ravenel and George River Walker, Esqrs., and he, the contestee, was also present, save and excepting on the 19th day of November, A. D. 1879.

That prefixed to the foregoing depositions is the original notice of contest served by said contestant on said contestee, and the answer of said contestee thereto.

And I further certify that the examination of said deponents was commenced on the 19th day of November, 1879, at the village of "Moun Pleasant," in the State and county aforesaid, and was continued from day to day until the 21st day of the same month, inclusive.

And I do further certify that the fees of the aforesigned witnesses notary public, constable, in behalf of M. P. O'Connor amount to the sum of \$264.00 (two hundred and sixty-four dollars).

Witness my hand and official seal at Charleston, in the State aforesaid, this 22nd day of November, 1879.

[SEAL.]

E. H. HOGARTH,
Notary Public, So. Ca.

STATE OF SOUTH CAROLINA,
Orangeburg County :

To Hon. E. W. M. MACKEY,
Charleston, S. C.:

You will please take notice that I will examine the following named witnesses, all of whom reside in Orangeburg County, relative to anything touching the matters and things set forth in my answer to your notice to me that you would contest my right to a seat in the Congress of the

United States, to which I was elected at the general election held Nov. 5, 1878, for the second Congressional district of the State of South Carolina, before J. C. Heidtman, notary public, in and for the State of South Carolina, at the court-house, town of Orangeburg and State aforesaid, on the 23d, 24th, and 25th days of October, 1879, to be adjourned from day to day until the examination of the witnesses hereinafter named shall be completed, between the hours of 10 a. m. and 10 p. m., or so much thereof as may be necessary for the examination of such witnesses, to wit: I. Geo. Vise, F. M. Wannamaker, Wm. V. Izlar, E. J. Cain, T. K. Sasportas, A. J. Horger, Edward Carroll, Thos. W. Oliver, Wm. C. Wolfe, T. W. Gleaten, W. F. Phillips, F. W. Dantzler, Wm. Bartin, J. K. Hane, J. D. Cleckley, J. J. Jennings, D. E. Carnes, W. L. Ebney, Thos. Livingston, W. C. Wolfe, Jas. Stokes, W. L. Wolfe, W. T. C. Bates, Henry Davis, G. D. Rast.

M. P. O'CONNOR.

Service accepted.

E. W. M. MACKEY.

18th OCT., 1879.

THE STATE OF SOUTH CAROLINA,

County of Orangeburgh:

To W. L. Ebney, T. W. Gleaten, W. F. Phillips, J. J. Jennings, J. D. Cleckley, D. E. Carnes, W. V. Izlar, I. Geo. Vose, T. K. Sasportas, Thos. W. Oliver, T. K. Hane, F. M. Wannamaker, A. J. Horger, Henry Davis, W. T. C. Bates, W. L. Wolfe, Jas. Stokes, Wm. C. Wolfe, Edward Carroll, Wm. S. Barton, Thos. Livingston, G. D. Rast, greeting:

You and each of you are hereby summoned to appear before me, at Orangeburgh, State and county aforesaid, on the 23d, 24th, and 25th of October instant, A. D. 1879, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said days, or so much thereof as may be necessary, by adjourning from day to day, to be then and there examined under oath by me respecting the contest by E. W. M. Mackey of the right of M. P. O'Connor to a seat in the Congress of the United States. You will not fail herein under the penalty of twenty dollars.

Given under my hand and official seal this 16th day of October, A. D. 1879.

[SEAL.]

J. L. HEIDTMAN,
Notary Public, S. C.

Deposition of W. L. Ebney.

ORANGEBURGH, SO. CA., October 23rd, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Orangeburgh County:

W. L. EBNEY (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation!—Answer. I am 45 years old. I am a resident of Goodland Township, Orangeburgh County, and by occupation a farmer.

Q. How many miles from Orangeburgh?—A. 20 miles.

Q. Have you resided in Orangeburgh the whole of your life?—From the time I was 6 years old.

Q. And you are pretty well acquainted with all the people of county?—A. Yes, sir.

Q. Did you take any part in the election of 1878?—A. I acted as supervisor of election.

Q. At what polling precinct?—A. Corbettsville polling precinct, Orangeburgh County.

Q. Who was the other supervisor?—A. John B. Thomas, a colored man.

Q. Who were the managers of election at that poll?—A. Serial A Joseph A. Fanning, and Henry F. Salley.

Q. Was the poll opened at 6 o'clock precisely in the morning?—Yes, sir.

Q. Did the managers expose the box to the outsiders, to see that there was nothing inside of it?—A. Yes, sir.

Q. And afterwards locked it?—A. Yes, sir.

Q. Did you remain at the poll all day?—A. From 6 o'clock in morning until 11 o'clock at night.

Q. Until after the votes were counted?—A. Yes, sir.

Q. Continuously all the time?—A. Yes, sir.

Q. Was the election conducted in a fair and square manner?—A was, as far as I am able to know how an election should be conducted.

Q. Was any complaint or protest made in your hearing by the Republican supervisor, questioning the fairness of the management of election on the part of the managers?—A. No, sir; not in my hearing.

Q. No complaint made at all?—A. No, sir.

Q. Was the poll closed punctually at 6 o'clock in the evening?—Yes, sir.

Q. While you were there during the whole day, was there any attempt by the managers or anybody else to tamper with the ballot-box?—No, sir.

Q. Did you see any one attempt to stuff into the ballot-box any vote which had the appearance of being more than one?—A. No, sir; that I could see.

Q. Were there any challengers there on the part of the Republicans and Democrats?—A. Yes, sir.

Q. Did the Republicans challenge?—A. Yes, sir; and the Democrats also.

Q. Did the managers decide upon the challenges when they were made?—A. Yes, sir.

Q. And the parties complaining abided by their decisions?—A. Yes, sir.

Q. What kind of tickets were in the field?—A. Two kinds.

Q. On what kind of paper?—A. Ordinary ballot paper.

Q. Did any colored people vote the Democratic ticket?—A. A great many.

Q. The voters that voted there, did they vote an open ballot, or did they fold it up?—A. All folded.

Q. Were the Democrats quite active in marshaling the voters on that day?—A. Yes, sir.

Q. Did you remain there to the counting of the votes?—A. Yes, sir.

Q. Was the count conducted fairly throughout?—A. Yes, sir; it was conducted according to the law; where there were a surplus of votes they were drawn out.

Q. Was there an excess in the box over the poll-list?—A. Yes, sir.

Q. About how many?—A. I think there was 90 in excess.

Q. Who drew out the excess?—A. One of the managers.

Q. Was he blindfolded; I mean to say was the box closed?—A. Yes, sir; he stirred up the votes and then drew out.

Q. What tickets were drawn out?—A. Both; sometimes two Republican tickets were drawn and sometimes two Democratic tickets, and then sometimes one Democratic and one Republican.

Q. Did you make up a certificate of the result of the election?—A. I did not; I was no manager.

Q. Did you and your co supervisor make a report?—A. We made up a report that there was no underhand work or anything wrong.

Q. Did you report any fraud there?—A. No, sir; we reported that there was nothing improper.

Q. Did the other supervisor join you in making that report?—A. Yes, sir.

Q. Were the colored people in any fear of voting the Democratic ticket?—A. I don't think they were at this poll.

Q. Is there any other matter that you wish to state?—A. That poll gives a Democratic majority always, taking that every white as a Democratic voter and every colored man as a Republican voter, we are five or six in the majority anyhow; a great many colored people voted the Democratic ticket at that poll.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Were not the three managers of election at that poll Democrats?—A. Yes, sir.

Q. Who was the clerk?—A. I don't remember who was clerk.

Q. Did the managers keep a poll-list?—A. Yes, sir.

Q. Did you keep a poll-list?—A. I did not myself, but the other supervisor, Thomas, did.

Q. Did the poll-list of the managers and supervisor correspond?—A. I think so; I heard no objection to it at the time.

Q. In counting the ballots, did not the number of ballots in the box exceed the number of names on the poll-list?—A. Yes, sir; by ninety.

Q. Was not the Democratic ticket printed on thinner paper than the Republican?—A. Not that I noticed. I never noticed any difference in them.

Q. Did I understand you to say that the white voters at Corbettsville exceed the colored voters?—A. As a matter of color, they will. There are more white voters, if they all turn out, than colored voters at that precinct.

Q. Has it always been so?—A. No, sir.

Q. At the election of 1876, did not the colored voters largely exceed the white voters?—A. I had nothing to do with that election except to cast my vote; that was when Hampton was elected governor. I only acted as supervisor in the election 1878.

Q. Did not that poll give a Republican majority in 1876?—A. I believe it did.

Q. Did not all the white men at that precinct turn out and vote for Hampton in 1876?—A. I expect they did; they ought to have done it.

Q. In depositing their ballots in the box, were they folded or open?—A. They were all folded.

Q. How could you, then, tell that a number of colored men voted the Democratic ticket?—A. By their own testimony; by their say-so to me

that they had done it and that they would do it, and I have good reasons to believe that they did do it.

Q. About how many colored men told you they had voted the Democratic ticket?—A. Some seven or eight.

Q. How many did you see of your own knowledge vote the Democratic ticket?—A. I could not see their votes, because their votes were folded.

Q. When the tickets were drawn out, did you examine them to see what kind of tickets were drawn out?—A. I said I looked on and saw when they were drawn out, Thomas and myself. They were drawn out and then opened. I said Republican and Democratic; Republican and then Democratic.

Q. Were you not the Democratic supervisor at that poll?—A. Yes sir.

Q. For whom did you vote for Congress?—A. M. P. O'Connor.

In reply, by M. P. O'CONNOR, contestee:

Q. Was there any Republican intimidation practiced in 1876?—A. Yes, sir.

Q. Now, if you know of any special instance that brought itself to your attention, you can state it.

(Objected to by contestant as being irrelevant.)

A. I know of instances of women coming there in crowds and taking the colored men away, and threatening to beat them and to quit them as wives, and said they would not be buried by the colored people; they would have to be buried by white men if they voted the Democratic ticket.

Q. The spirit of intolerance on the part of colored Republicans against their fellows who attempted to vote the Democratic ticket was very high?—A. Yes, sir. I know of one instance where a colored man went back home. He didn't want to vote the Republican ticket and was afraid to vote the Democratic ticket, so he would not vote at all, and went back home.

Deposition of T. W. Gleaton.

ORANGEBURG, So. Ca., October 23rd, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County :

T. W. GLEATON (white), a witness of legal age, produced by contestant upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. 42 years of age; residence, Goodland Township, Orangeburg County; occupation, farmer.

Q. How far do you reside from Orangeburg?—A. 22 miles.

Q. Did you act in an official capacity in the late election?—A. Yes sir; as supervisor at Brown's.

Q. Who was the Republican supervisor?—A. Nelson Schofield.

Q. A black man?—A. He is a white man.

Q. A prominent radical?—A. Yes, sir.

Q. Were you present at that election from 6 o'clock on the day of the

election until 6 o'clock in the evening, when it closed?—A. Yes, sir; I was.

Q. Did you remain there until the votes were counted and the returns made up by the managers and sent in for Orangeburg County?—A. I was.

Q. Was the election fair from the beginning to the end?—A. Yes, sir.

Q. Was the count fair from the beginning to the end?—A. Yes, sir.

Q. Did the Republican supervisor or anybody else file any protest as to the fairness of the election that day?—A. None whatever.

Q. You say that the vote was evenly divided between the Republicans and Democrats?—A. I don't know what it was; the Democrats were always in the majority, but a great many that belonged to Corbettsville came down to Brown's and voted.

Q. Is that a Democratic stronghold?—A. It has always been a Democratic stronghold; that is to say, the Democrats generally carried the election at that precinct.

Q. Do you know any special fact bearing upon this matter of contest which might benefit the party who is examining you?—A. No, sir.

Q. The election was perfectly fair and square?—A. It was.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Did not the number of ballots in the box agree with the number of names on the poll-list?—A. It did.

Q. Exactly?—A. It did.

Q. There was no excess?—A. No, sir; none at all.

Q. Did Scovel ever hold any office in this county?—A. Not that I know of.

Q. Has he ever been very prominent in politics?—A. He is a sort of leader amongst them up there; he has generally been supervisor of elections for some time.

Q. Were not all three of the managers of election Democrats at that poll?—A. Yes, sir.

Deposition of W. F. Phillips.

ORANGEBURG, So. Ca., October 23rd, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Orangeburg County:

W. F. PHILLIPS (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. Age, 61; residence, Orangeburg County.

Q. Born in Orangeburg and lived here all your life?—A. Except a few years.

Q. Your occupation, farmer?—A. Yes, sir.

Q. How far is your residence from the county seat of Orangeburg?—A. Twelve miles.

Q. Did you take any part, in an official capacity, in the election of 1878?—A. I acted as supervisor.

Q. At what poll?—A. Gleaton's.

Q. Was the poll opened punctually at 6 o'clock?—A. Yes, sir.

Q. Was the box exposed?—A. The box was opened, and exposed, and found empty, and closed, and the voting began.

Q. Did you remain there during the whole day?—A. All day.

Q. Was the poll closed punctually at 6 o'clock?—A. Yes, sir; and not until six.

Q. Who were the managers of election at that poll?—A. John D. Livingston, Jerome Cannelly, and John D. Williamson.

Q. Were there any United States deputy marshals there?—A. I don't know.

Q. You did not distinguish them?—A. I don't think there were any.

Q. Who was the Republican supervisor?—A. E. I. Jamison.

Q. A black man?—A. Yes, sir.

Q. Was he an old politician of the county?—A. I believe he is, and has been so for several years.

Q. Was the election conducted fairly and squarely at that poll?—A. As fair as ever I saw an election in my life.

Q. No complaint lodged with you?—A. No, sir.

Q. By neither parties?—A. No, sir; neither party.

Q. No protest lodged with you?—A. No, sir.

Q. Did you see any colored people vote the Democratic ticket that day?—A. I did not see any, but I heard several say since that they had voted the Democratic ticket.

Q. Were the ballots that were voted at that poll, as a general thing voted open or folded?—A. Most of them voted folded.

Q. Did you remain there for the count of the votes, after the close of the poll?—A. Yes, sir.

Q. Was the count conducted fairly?—A. Fairly, as far as the managers were concerned. They wouldn't leave the poll; it was a very cold evening, and some one wanted them to go into the house, and they wouldn't go.

Q. Were the Democrats active at that poll, in working for their own party?—A. I suppose they were, but I was inside where the ballot-box was kept the whole day, except a few minutes of the time.

Q. Did the white vote of that precinct turn out strong to a man that day?—A. I believe every man turned out.

Q. Did you hear any dissatisfaction expressed by any of the colored people, that the Republican county ticket, which was nominated by the Republicans?—A. I don't know that I did.

Q. Did you come across what is called stuffed tickets when the votes were being counted?—A. I suppose there were; there were more votes in the ballot-box than names on the poll-list, but whether they were stuffed tight or not, I don't know; I don't remember how many votes were over; I did know at the time what the number was in excess, but never expecting to be called upon for it, and have forgotten it. There was an excess though; when, the poll was closed every ticket in the box was counted out to find how many were over the names on the poll-list, and they were put back into the box, and a man drew out the number until he got the votes to agree with the names on the poll-list.

Q. Was that drawing fair?—A. Perfectly fair.

Q. Did you see when they were drawn out by the manager?—A. Yes, sir.

Q. Were they drawn out indiscriminately?—A. Some Democratic and some Republican.

Q. What was done with them?—A. They were torn up right there immediately and thrown into the fire.

Q. They were destroyed?—A. Yes, sir; they were.

Q. Did the other supervisor join you in the report to the chief supervisor in Charleston?—A. Yes, sir.

Q. What was the character of that report?—A. I really couldn't tell you; it was just stating the result of the election.

Q. Did your co-supervisor state that there was anything unfair that ought to be reported to the chief supervisor?—A. The Republican supervisor told me he never saw a fairer election in his life.

Q. Is there anything else that you know in regard to this contest between Mr. Mackey and myself that would benefit my case?—A. Nothing more.

Cross-examination by E. W. M. MACKEY, contestant:

Q. For whom did you vote for Congress?—A. For M. P. O'Connor.

Q. Were not all three of the managers at your poll Democrats?—A. I believe they were; they were all three Democrats, I suspect.

Q. Did the managers have any clerk?—A. No, sir; one of their number acted as clerk.

Q. Did he keep a poll-list?—A. Yes, sir.

Q. Were you the Democratic supervisor?—A. Yes, sir.

Q. Did you keep a poll-list?—A. Yes, sir.

Q. Did the Republican supervisor keep a poll-list?—A. Yes, sir.

Q. Did all three of your poll-lists agree at the close of the election?—A. Yes, sir. I was disposed to be very particular.

Q. There was, as I understand, more ballots in the box than there were names on the poll-lists?—A. Yes, sir.

Q. Did Jamison ever hold any office?—A. Nothing, but he has been school trustee for years in our township—nothing else that I recollect of.

Q. Were there any State constables present?—A. There were several around there with little badges on, but I don't know what they were; I guess they were. There was a colored man there with a badge on, a Republican, but I didn't ask him what he was; it was not my business.

Q. You say that you heard that several colored men voted the Democratic ticket?—A. I heard so afterwards.

Q. Who told you so?—A. I don't recollect. I did not charge my memory with that.

Q. Did they tell you themselves?—A. One told me so, but I didn't see the ballot go in, or what sort of ballot they voted, but I took every name down that voted.

Q. One told you so himself?—A. Yes, sir; one of them.

Q. Did you hear about any other?—A. I heard there were others, but I couldn't say who they were.

Q. Did you hear so from the colored men themselves?—A. No, sir.

Q. You say the white vote turned out to a man?—A. I think every white man turned out, and I think every darkey turned out.

Q. So that both parties turned out their full strength at that poll?—A. Yes, sir; I think so; that is my impression.

Q. When the tickets were drawn out, were they destroyed before you had a chance of looking at them?—A. Which tickets?

Q. The tickets in excess?—A. No; I saw them myself, every one.

In reply by M. P. O'CONNOR, contestee:

Q. Did you hear of any United States marshals that day being at the poll?—A. If they were I didn't hear about them.

Q. What kind of badge did this colored man have on?—A. He had a ribbon on, pinned on his coat. I know the man; he lives about two miles from me; but who gave him his badge I don't know; I did not ask him.

Deposition of I. I. Jennings.

ORANGEBURG, SO. CA., October 23rd, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County:

I. I. JENNINGS (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. 59 years old, born and raised in this county and remained in this county except thirteen years when I resided in Colleton County. I have resided here.

Q. Your occupation, a farmer?—A. Yes, sir; farmer by occupation.

Q. Did you take any part in the election of 1878, in an official capacity?—A. Yes, sir; I was appointed one of the supervisors.

Q. At what polling precinct?—A. Cedar Grove polling precinct in Edisto Township.

Q. What is the distance from Orangeburg?—A. Nine miles.

Q. Were you there at the opening of the poll?—A. Yes, sir.

Q. Were the polls opened punctually at 6 o'clock in the morning?—A. Yes, sir.

Q. Did the managers expose the box?—A. They took it up and turned it up and down, and showed there was nothing in it, and locked it.

Q. Was the poll closed at 6 o'clock?—A. Yes, sir.

Q. Were you there when it closed?—A. Yes, sir.

Q. How was the election conducted from 6 o'clock in the morning until 6 in the evening when it closed?—A. As fair as could be, I thought.

Q. Fairly on the part of the managers?—A. As far as I saw, I saw nothing wrong on that occasion.

Q. Were the Democrats active around the poll in canvassing the voters?—A. No, sir; not as much so as the other party.

Q. Were there any deputy United States marshals at the poll?—A. I think there was; this man Dantzler that I spoke of, I think he was a United States marshal.

Q. Was he a Republican?—A. He was.

Q. Was there any Democratic deputy United States marshals there?—A. I don't think there was; there was a supervisor there.

Q. Did you see any colored people vote the Democratic ticket on that day?—A. Yes, sir.

Q. How were the tickets as a general rule voted, were they voted folded or open?—A. They would come up and get their tickets and fold them up and put them in the box. It was a small hole, and they would have to double their tickets to get them in.

Q. Was any complaint entered with the managers as to the unfairness of the election?—A. No, sir; not that I heard of.

Q. No protest filed?—A. No, sir.

Q. Did you remain throughout the counting of the votes?—A. Yes, sir.

Q. How was that conducted?—A. Very fairly, I thought.

Q. Did they count the votes first in order to see that they corresponded

ith the names on the poll-list?—A. They counted the votes first, and und out there were thirty votes more than names on the poll-list.

Q. Did they put the ballots back into the box and draw the excess?—A. The votes were put in a hat, and a handkerchief put over it, and they drew out.

Q. Did you see those votes drawn out?—A. Yes, sir.

Q. Were they all alike, or were they drawn out indiscriminately?—A. One Democratic and some Republican. They drew out those in excess, and then they found that there were two lacking, and they called on me to draw out the two, and I drew out one Republican and one Democratic vote.

Q. Were there any votes found in that box folded together?—A. Yes, sir.

Q. Were they what might be called a stuffed vote?—A. Yes, sir. I saw as much as four together. They appeared to be one on the top of the other, and then pressed to get them into the ballot-box.

Q. Were they Republican or Democratic votes?—A. We found one or two rolled in that way, and we found one with four in it.

Q. What did you do with them?—A. We destroyed all but one.

Q. Counted one and destroyed the others?—A. Yes, sir.

Q. What kind of ballots were used by the two parties at that poll; ordinary ballots?—A. Yes, sir; I did not see any difference in the paper; the Democratic party, their vote was about one inch longer, but nearly on the same paper.

Q. And the same width?—A. I think the Republican tickets were a little wider than the Democratic.

Q. They were on the same kind of paper, only the Democratic tickets was a little longer and narrower?—A. Yes, sir; I could not see any difference in the quality of the paper.

Q. Did you make a report to the chief supervisor, Mr. Pioneer, of the result at that poll?—A. Yes, sir.

Q. Did you agree upon your report with your cosupervisor?—A. It was all agreed upon.

Q. You reported everything fair and square?
(Objected to by contestant as leading.)

A. Yes, sir.

Q. There was no tampering with the ballot-box there that day?—A. No, sir.

Q. If there had been you could have seen it?—A. Yes, sir; my position was such that I could have seen it.

Q. Is there anything else that you know in relation to that poll, that would like to state, that would benefit the cause of the contestee? A. Not on that day; you asked me if there were any Democratic tickets cast there by colored people; there was. I saw a colored man go up and ask for one, and held it up, and doubled it up, and folded it up, and put it in the box. I thought he done it to show that he was not afraid to vote as he pleased.

Was any intimidation practiced that day, or attempted that day, the Republicans on their fellow Republicans?—A. None that I am aware of.

Democrats turned out strong that day to vote?—A. Yes, sir; they

Pollled a full vote?—A. Yes, sir; they did. I don't think there was a white man left in that precinct but had voted.

Was there as strong a Republican turn out at that poll as there been in previous elections?—A. Yes, sir; about the same.

Cross-examination by E. W. M. Mackey, contestant:

Q. Besides the one colored man who you saw vote the Democratic ticket, did you see any other colored men vote that ticket?—A. I heard them come up and call for the Democratic ticket, but I don't know that I saw them expose it as plainly as this one did.

Q. How many colored men did you hear call for the Democratic ticket?—A. Two or three parties called for them.

Q. But besides the one you have already mentioned, you cannot swear positively to any other voting the Democratic ticket?—A. No, sir. I could not, but I heard several friends say out side that they had distributed Democratic tickets to them, where the other party was doing the same thing. I heard several other colored men say they had voted the Democratic ticket, though I did not see them. And I could not say it was Democratic tickets they put in, because they came up with them folded and put them in.

Q. Besides Dantzler, did you see any other deputy United States marshals around the poll?—A. There were others around, but I could not tell whether they were deputy marshals or not.

Q. Besides Dantzler, did you see any other deputy United States marshals around that poll?—A. Not that I am certain of.

Q. Did these deputy marshals, or did this deputy marshal, in any way interfere with the election?—A. No, sir; not that I saw. The election was carried on in a little store-house, and the voters came up to the window and cast their votes, and he stood by the window and saw all that voted.

Q. Were there any State constables present?—A. I don't know. I don't recollect that there were.

Q. Were not the three managers of election at that poll Democrats?—A. No, sir; I don't think so. I think there was one there that voted the Republican ticket.

Q. Which one?—A. I think his name was Tyler.

Q. Are you not mistaken? Was he not the Republican supervisor?—A. He was one of the managers.

Q. Of that you are positive?—A. Yes, sir; because he kept a poll-list as well as the other managers.

Q. You are certain that he was not the supervisor?—A. No, sir; he stood by the box, and kept his hand over the box.

Q. Who was the Republican supervisor, if Tyler was not?—A. I know he was a deputy marshal, but I know Tyler help manage the election.

Q. You testified that the Republican supervisor joined with you in making a report that everything was conducted fairly and squarely; now, who was the person who signed that report with you?—A. I don't recollect the managers, and I think the supervisor also signed it.

Q. Did the Republican supervisor sign any report saying that the election was conducted fairly and squarely?—A. I think there was a report made out and signed.

Q. Did that report contain any statement in regard to the fairness of the election?—A. It stated the number of votes and so on.

Q. Was it anything more than a simple statement of the whole number of votes cast, and the number cast for each candidate?—A. I think that was about the kind that was signed. I don't recollect now what the statement was that was sent up.

Q. You would not like to be positive, then, that there was any statement in it in regard to the fairness of the election?—A. I would not be positive, but I heard no complaint about it by either party.

Q. Can you not remember who it was that signed this report in conjunction with yourself?—A. No, sir; I cannot; but I think the managers did. I think Tyler was one and Mr. Izlar was the other, but the other manager I don't recollect. I could not say positively.

Q. Were the other two managers Democrats?—A. I cannot say whether they were or not, but I think there were two whites and one colored.

Q. And the colored man was Tyler, according to your statement?—A. Yes, sir; that was the man I took to be a manager, because he sat by the box and kept a stick in the box, and as a man would vote he would put his stick down in it and keep the hole clear.

Q. You mentioned finding one Republican ticket with two others folded in it and another Republican ticket with three or four folded in it.—A. Yes, sir.

Q. Did you find any Democratic tickets folded together?—A. We did; I think we found one or two; we found one with two and one with three or four together.

Q. Did you not find more than two or three?—A. When we took out the votes, there were some tangled together, but these I speak of couldn't get that way.

Q. These Republican tickets that you found folded together, were they folded one upon the other?—A. They seemed to be put one on the top of the other, and pressed together.

Q. Were they found in the box rolled up together?—A. Yes, sir, in that very shape, so as to get in the box.

Q. Were not the Republican tickets which were found folded together, folded compactly together so as they could not fall apart until they were unfolded?—A. No, sir, just in the way I fixed the slips of paper I handed you. They were compactly rolled together, then pressed by the hand, so as to make the bundle small, so that it would get into the box.

Q. As I do not desire to call a witness to contradict you in regard to Tyler, who was the Republican supervisor, and not a manager of election, will you please refresh your memory, and see if you are not mistaken, when you swear that he was one of the managers?—A. I did not ask him whether he was a manager or a supervisor, or what, but I will swear he assisted in managing the election; he had the stick and stood by the box, and when a vote was put in sometimes it would not get in, and then he would take his stick and poke it in.

Q. But as to whether or not he was one of the managers appointed by the commissioners of election, you cannot say?—A. No, I cannot.

In reply by M. P. O'CONNOR, contestee.

Q. Were the Democratic ballots that you found two or more together rolled compact the same as the Republican?—A. Yes, sir.

Q. And in both of those cases you counted one ballot and threw the others out?—A. Yes, sir.

Question by E. W. M. MACKEY, contestant.

Q. This surplus of 30 votes, were any portion of those destroyed in that way?—A. When we found them folded one or more together, we would destroy all but one, and put the other in the box, and after destroying the double tickets in this way there was still a surplus of about thirty votes.

Deposition of James D. Cleckly.

ORANGEBURG, SO. CA., October 23rd, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County:

JAMES D. CLECKLEY (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. 49; residence, 12 miles west of this place; I am a planter and practicing physician.

Q. Lived in Orangeburg your whole life?—A. Yes, sir.
Q. Did you take any official part in the late election?—A. Yes, sir.
Q. In what capacity?—A. United States supervisor.
Q. At what poll?—A. Easterling's Mills.
Q. Who were the managers at that poll?—A. C. C. McMillan and Angus Cope.

Q. Was that a Democratic poll?—A. Yes, sir.
Q. A majority of white voters there over the colored voters?—A. A majority of colored voters, generally.
Q. You regard it as a Democratic poll?—A. The poll went Democratic.
Q. Who was the other supervisor?—A. Murray Wilkerson.
Q. Were you present all day at the poll?—A. I was around the box all day except between 12 and 1 o'clock, I went off to get something to eat; perhaps I was away more than that. This was a small poll, and perhaps there was an hour passed before a vote would be put in.

Q. Was the poll opened at 6 o'clock?—A. Yes, sir.
Q. And closed punctually at 6 o'clock p. m.?—A. Yes, sir.
Q. Was everything conducted perfectly fair and impartial?—A. Yes, sir; as far as I could see.

Q. Did the Republican supervisor or Republicans there enter any protest as to the manner in which the election was conducted?—A. None at all; we both signed the certificate to the chief supervisor.

Q. He made no complaint?—A. None at all.
Q. Nor did he suggest that there was any defect or illegality?—A. No, sir.

Q. Were there any United States deputy marshals there?—A. Yes, sir.

Q. How many?—A. Two.
Q. Both Republicans?—A. Yes, sir.

Q. Were the Democrats active at this poll soliciting voters for their ticket?—A. Yes, sir.

Q. Did the colored people vote the Democratic ticket?—A. Yes, sir.
Q. Were any tissue ballots used at this poll?—A. Yes, sir.
Q. Were they concealed or open?—A. They were open the same as the others.

Q. Did the colored people vote these tissue tickets?—A. I think they did, and some voted the other.

Q. Were the ballots voted open or folded?—A. Generally folded.
Q. Were any persons that offered to vote there that day turned off?—A. One or two under age.

Q. Did the Republican supervisor acquiesce in the decisions of the managers?—A. Yes, sir.

Q. Was the box exposed before it was opened to receive the votes in the morning?—A. Yes, sir.

Q. Was it empty?—A. Yes, sir; they turned it over and shook the box.

Q. Were you there when the box was opened to count the votes?—A. Yes, sir.

Q. How was the count conducted?—A. Fairly and impartially.

Q. Was the Republican supervisor present at the count of the votes?—A. Yes, sir.

Q. Did he make any complaint or protest to the count?—A. No, sir.

Q. Were there any excess of votes found in the box over the names on the poll-list?—A. Yes, sir.

Q. Did the Republican supervisor keep a poll list?—A. Yes, sir.

Q. And the clerk of the managers?—A. Yes, sir.

Q. Did their list tally?—A. I think one time during the day the Republican supervisor got behind, and he got the names from the clerk's list. He absented himself and got them afterwards.

Q. Not many?—A. Very few.

Q. What was the excess after counting the votes?—A. I don't remember how many now, maybe 75 or 100; there may be more, and maybe not so many.

Q. Did you find any stuffed votes in the box?—A. I don't remember but one, which was a Republican ticket; there were 6 or 7 tissue ballots wrapped up inside of it.

Q. What did you do with it?—A. Destroyed the whole of them.

Q. Was this folded up very tight?—A. Tolerably tight.

Q. So as the tickets could not separate?—A. Yes, sir; so they could not get out.

Q. After discovering the excess of votes in the box over the names on the poll-list, did you proceed to draw out the excess?—A. Yes, sir.

Q. Was the drawing fair?—A. Yes, sir. I think one of the managers turned his head and handed them to another manager behind him, and he destroyed them.

Q. Can you state what character of tickets were drawn out?—A. I couldn't tell you, it was after night—by candle light; there was several kinds thrown around, and I could not tell.

Q. Were the tickets that were drawn out destroyed?—A. Yes, sir; I think so.

Q. Were the Democrats active at this poll on the day of election?—A. Yes, sir.

Q. Active in distributing tickets and in enlisting voters?—A. Yes, sir.

Q. Did you hear many colored people prior to the election state that they were going to vote the Democratic ticket?—A. A good many.

Q. Have you noticed a revulsion of feeling as to voting the Democratic ticket from what that feeling was amongst them in 1876?—A. A good many more voted it in the last election than in 1876.

Q. Did they vote them secretly or openly?—A. Some secretly and some openly, as well as I remember; I think there were some colored men who had Democratic tickets distributing them amongst the others.

Q. Have there ever been any intimidation practiced upon the colored people by Republicans in previous elections?—A. In the election of 1876, and in their meetings. I don't know whether it was at the time of the election, but it was done up at their meetings. I was at the meetings in 1876,

when one said he had made up his mind to vote the Democratic ticket a colored man there told him he had to take that back ; that he should do it. I heard nothing of the kind the day of election ; everything quiet. That was at some of their meetings.

Q. Did you hear any dissatisfaction expressed by the colored people with the Republican ticket as a whole ?—A. I don't remember now whether I did or not.

Q. Do you know how many tissue ballots were in the box ?—A. No, sir.

Q. You did not keep a separate account of them ?—A. No, sir.

Q. Were they generally folded up or open ?—A. Open.

Q. Do you know any other fact in your knowledge upon which I have not interrogated you ?—A. No, sir, nothing that I can think of now.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Were you a supervisor in the interest of the Democrats ?—A. No, sir.

Q. For whom did you vote for Congress ?—A. M. P. O'Connor.

Q. Were not all three of the managers Democrats at your poll ?—A. I don't remember now whether they were or not. I have been trying to think of the managers to-day, but cannot think of but two of them.

Q. The two whose names you remember, were they Democrats ?—A. Yes, sir.

Q. Was the third manager a Republican ?—A. I don't know whether he was or not. I cannot think who the other one was.

Q. When you say that your poll is a Democratic poll, do you mean to say that it has always gone Democratic ?—A. No, sir.

Q. Did it not give a Democratic majority for the first time in the election ?—A. It gave a Democratic majority in 1876.

Q. What Democratic majority did it give in 1876 ?—A. I don't remember.

Q. Was it not very small ?—A. Yes, sir.

Q. Was it not a Democratic majority of five only ?—A. I don't remember, but I remember it gave a Democratic majority, but a very small one.

Q. What was the character of the certificate signed by yourself and the Republican supervisor ?—A. I think it was just a list of the number of votes cast, or something of that sort.

Q. Was it not simply a statement of the votes according to the count of the managers ?—A. Yes, sir, I think so.

Q. How many deputy marshals you say were present ?—A. Two remember. I don't remember whether there were any more or not.

Q. Did they in any way interfere with the election ?—A. No, sir; they were quiet.

Q. Were there any State constables at your poll ?—A. Yes, sir.

Q. How many ?—A. One. I don't know whether there were any more or not.

Q. Were the Democrats any more active than the Republicans ?—A. Yes, sir; I think they were.

Q. How many colored men did you see vote the Democratic ticket ?—A. I saw several vote it. I don't remember the number now. There were a good many colored men there that came out publicly and voted the Democratic ticket, and carried out the tickets.

Q. About how many colored men did you see vote the Democratic ticket ?—A. I will have to guess at it: ten or a dozen, perhaps more.

Q. When did you first see the Democratic small tissue tickets ?—A.

saw them the day of election at the poll; that was the first I saw them, I think.

Q. Did you find any Democratic large tickets with small tissue tickets inside of them, inside the box?—A. I don't remember anything of that sort.

Q. The only ticket that you remember that had any tickets inside of it was one large Republican ticket?—A. Yes, sir; a large Republican ticket was wrapped round and round and they were inclosed in it.

Q. And these were destroyed?—A. Yes, sir.

Q. You testified that you heard a good many colored people say, prior to the election, that they were going to vote the Democratic ticket; can you give any estimate of the number you heard say so?—A. No, sir.

Q. Do you think 10 or 12 told you so?—A. Yes, sir.

Q. About how many more colored people voted the Democratic ticket the last election at your poll than did at the previous election?—A. I think there were a good many, but I cannot tell how many, because they had most of their tickets folded; they were more bold about voting the Democratic ticket this election.

Q. Did any of the colored men who wanted to vote the Democratic ticket seem to be afraid to do so?—A. There was some few.

Q. But the majority of them voted it openly?—A. I cannot say that; there were some 8 or 10 colored men there who voted openly and spoke openly, and there were some who voted privately.

Q. Was there any one there interfering with those who voted openly the Democratic ticket?—A. No, sir; no one at all.

Q. Did you attend any Republican meetings during the last campaign prior to the election of 1878?—A. I don't remember now whether I did or not; if there were any in my immediate neighborhood the probability is that I attended them, but I don't remember now.

Q. How do you know that the Republican supervisor acquiesced with the managers in refusing the two voters that were turned off?—A. He made no objections to it, and I supposed he acquiesced.

Q. When the managers ascertained that there were more ballots in the box than names on the poll-list, did they have anything to say in regard to the matter?—A. I don't think there was anything said, only to put the votes back into the box, and then draw out the excess.

Deposition of D. E. Conner.

ORANGEBURG, So. Ca., October 23rd, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Orangeburg County:

D. E. CONNER (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age and residence.—Answer. 44 years of age; born in Orangeburg, raised here, and lived here all my life.

Q. What is your occupation?—A. Practicing medicine.

Q. In what official capacity did you serve in the last election?—A. Supervisor.

Q. At what poll?—A. Conner's store.

Q. Who was the Republican supervisor?—A. Levi Sumers.

Q. Who were the managers at that poll?—A. John Jackson, Pinckney Webster, and Henry Wetsell.

Q. Were they all white men?—A. Yes, sir.

Q. Was the Republican supervisor a colored or a white man?—A. Colored man.

Q. Was he a prominent leader in his party?—A. He takes an active part.

Q. Were there any deputy marshals at this poll?—A. Two.

Q. White men or colored?—A. Colored.

Q. When was the poll opened?—A. Six o'clock in the morning.

Q. Was the box exposed before the box was opened?—A. Yes, sir.

Q. There was nothing in it?—A. Nothing in it.

Q. Did you remain there until the poll closed?—A. Yes, sir.

Q. When did it close?—A. Punctually at 6 o'clock.

Q. Was everything conducted fairly and squarely?—A. Yes, sir; thought so.

Q. Was any complaint lodged?—A. No, sir.

Q. Any protest lodged with the managers?—A. No, sir.

Q. Did the Republican supervisor join you in certifying the certificate?—A. Yes, sir.

Q. Did he make any complaint that there had been illegality or fraud in the election?—A. He made no complaint at all.

Q. Was this a large poll?—A. No, sir; they vote about 175 or 180 votes.

Q. Is it a Democratic poll or a Republican poll?—A. It went Democratic in the last election.

Q. Were the Democrats active on the day of election?—A. Yes, sir; they were doing what they could.

Q. They were active in the campaign preceding the election?—A. Yes, sir.

Q. Were any tissue ballots used at this poll?—A. No, sir.

Q. Were any parties offering to vote rejected?—A. There were two votes objected to on account of age.

Q. Before being rejected were they challenged?—A. Yes, sir.

Q. And cause assigned, and the managers decided in favor of the challenge?—A. They were challenged in this way, that if they could show they were of age, they would be allowed to vote.

Q. Did the Republican supervisor make any objection to it or acquiesced in it?—A. He thought that they ought to be allowed to vote at first.

Q. Was any person present, either the challenger in person, or another person who testified to the board of managers or vouched to the board of managers that they were not 21 years of age, upon which they grounded their decision?—A. They gave it as their convictions.

Q. They must have had some grounds?—A. They knew the boys, and they didn't think they were old enough. He said that if some of their friends were there who could swear to their age, they would be allowed to vote; and they would not do it.

Q. These were the only two cases of rejecting voters?—A. Yes, sir.

Q. At the close of the poll, at 6 o'clock, did they proceed immediately to count the votes?—A. Yes, sir.

Q. The managers?—A. Yes, sir.

Q. Were you present?—A. Yes, sir.

Q. Was the Republican supervisor present?—A. Yes, sir.

Q. Were you in such proximity to the box that you could see where

was going on!—A. Yes, sir; he was at one end of the table and I at the other.

Q. Was there any excess over the names on the poll-list?—A. About 8, I think.

Q. Did you ascertain while they were counting the votes whether there were any stuffed ballots?—A. Two.

Q. What character of tickets?—A. One Democratic and one Republican.

Q. What did you do with those two Democratic tickets?—A. Burnt them.

Q. What did you do with the Republican ticket?—A. Burnt up, also.

Q. With these two exceptions you have just stated in which two or more tickets were found folded together, were all the other ballots found scattered in the box loose?—A. All loose.

Q. Were there many colored people that voted the Democratic ticket there that day in comparison to the number of votes polled?—A. There were some that voted openly, and some said they voted it, afterwards.

Q. Some voted it secretly, and voted it that you saw?—A. Yes, sir; some voted secretly and others told me they had voted it.

Q. After you discovered the excess did you put the votes back into the box and draw the excess out, so as to make the votes correspond with the number of names on the poll-list?—A. Yes, sir.

Q. Was the drawing out done fairly?—A. Yes, sir; I thought so.

Q. Was there more Republican tickets drawn out or more Democratic tickets?—A. I don't see how they could make any distinction. All the tickets in the box were nearly of the same size—they seemed so to me—and printed upon the same paper.

Q. And, from your knowledge of the character of the tickets voted by both parties, you don't think it was possible to distinguish one from the other?—A. I don't think so.

Q. What became of the tickets when they were drawn out?—A. They were destroyed.

Q. Did you take occasion to ascertain what kind of tickets were drawn out?—A. I did not.

Q. You don't know what proportion of Democratic or Republican tickets were drawn out?—A. No, sir; I cannot tell.

Q. You made no note of that?—A. No, sir.

Q. Were the tickets in the box nearly all folded?—A. Yes, sir; nearly all folded.

Q. In your experience with the colored people did you realize in them more a disposition to vote the Democratic ticket in this campaign than in any other campaign?—A. I thought so; their feeling seemed to be better disposed towards the Democratic party.

Q. Do you know of any case of intimidation in the last election of colored Republicans by their brothers of the same race?—A. No, sir; I don't know of any positive action, but I heard a good deal of talk.

Q. You heard anything in the way of threats that would be calculated to intimidate?—A. I heard threats frequently.

Q. And you believe they were used for intimidation?—A. Yes, sir.

Q. That ballot-box was not tampered with by anybody during that whole day?—A. No, sir.

Q. You were present all the time?—A. Yes, sir.

Q. You are confident that there was no conspiracy on the part of the managers to stuff the ballot-box or to put ballots in it?—A. No, sir; I don't know of anything of the kind being done.

Q. Do you know how to arrive at the theory of how there were mor

ballots in the ballot-box than names on the poll-list?—A. I don't know how it was done.

Q. Have you not heard in previous elections of repeating?—A. sir.

Q. Repeating by Republicans?—A. Yes, sir; I have heard of it.

Q. Have you not heard of repeating being done, by voting one more tickets secretly, in such a manner that they would scatter, they passed into the ballot-box?—A. Yes, sir, I heard of that; a heard of them voting at one poll and going to another.

Cross-examination by E. W. M. MACKEY, contestant:

Q. You say that you have heard of these instances of repeating you know of any such instance within your own knowledge?—A. sir.

Q. Was there any repeating at the last election on the part of Republicans at your poll?—A. Not that I know of.

Q. You have testified in regard to threats by colored people toward colored men that wanted to vote the democratic ticket; name an instance that came within your knowledge at the last election.—A. I had them to tell me they were threatened to be expelled from the church.

Q. Can you name any colored man that told you he would be expelled from the church?—A. I cannot name any now.

Q. Can you name any that told you at the last election?—A. I not tell you now.

Q. Can you name any that told you, previous to the last election? I cannot tell you now.

Q. Have you ever heard of any colored man being expelled from church, in your section, because he voted the Democratic ticket?—I heard of the act being in force.

Q. Did any colored man vote the Democratic ticket at your poll last election?—A. Yes, sir.

Q. Voted openly?—A. Yes, sir.

Q. Have you heard of any being expelled for so doing?—A. No.

Q. Did any of them tell you that they were threatened that would be expelled from the church if they did?—A. I have; two colored men told me that they had; but I don't know that they did it openly.

Q. Examine this ticket (handing witness Exhibit H) and see if is the Democratic ticket used and voted at your poll?—A. It is a smaller ticket.

Q. Is that about the size? (Handing witness Exhibit J.)—A. A little smaller.

Q. And character of paper?—A. I think it was that kind of paper Exhibit J.

Q. Examine that ticket (handing witness Exhibit K) and see if is the Republican ticket that was used and voted at your poll?—A. Well as I recollect the size seems the same; but I don't know anything about the name on it.

Q. Do you mean to say that these two tickets are the same size? I could not say that they are exactly the same size, but they are about the size of the tickets used.

Q. Are these tickets of the same size?—A. No, sir.

Q. Was not the Democratic ticket used at your poll a little longer the Republican ticket?—A. I think it was a little longer, but I can't say now whether it was or was not.

Q. Was not the Republican ticket a little wider than the Democratic ticket?—A. I don't recollect that.

Q. Was there not some difference in the texture of the paper—in the kind of paper; is not one paper a little finer than the other?—A. I cannot tell; I had very few Republican tickets in my hand.

Q. Were all the tickets found in the box folded?—A. Yes, sir.

Q. None open?—A. All folded, as well as I can recollect.

Q. Was not the excess more than 75 or 80?—A. As well as I can recollect.

Q. Was not the excess about 100?—A. I don't think.

Q. Are you positive about that?—A. I won't be positive, but I give you about 75 or 80 as being the number.

Q. So far as you recollect it may have been more or less?—A. It may have been a little more, that is near about it.

Q. You say that nobody at that poll tampered with the ballot box?—A. No, sir.

Q. Well, how do you account for the fact that there was 75 or 80 more votes in that box than names on the poll-list?—A. I cannot account for it. I know they were not put in there by tampering, and I know nobody went up and put them in by force.

Q. You say there were no tissue-ballots at that poll?—A. No tissue-ballots.

Q. In regard to the two voters who were rejected because it was alleged that they were under age, by whom were they challenged?—A. I think I challenged them.

Q. How do you know that they were not of age?—A. I didn't know they were not. I judged from my personal knowledge of the boys, because they were raised in my neighbourhood.

Q. Could you have sworn they were not of age?—A. I could not have sworn, to the best of my knowledge.

Q. Did you know when they were born?—A. I could not have sworn to their age positively.

Q. Did the managers require you to produce any proof that these young men were not of age?—A. They did not require me when I objected to their voting on account of age. They told the boys if they could bring proof that they were of age they would be allowed to vote; if not, they could not.

Q. Then the managers required them to produce proof of their age?—A. No, sir; only those two.

Q. Was every voter required to produce proof of his age?—A. Only those two.

Q. You said the managers required them to produce proof of their age; did they have any friends there who could prove their age?—A. Their parents were there.

Q. Were not these two voters willing themselves to swear that they were 21 years of age?—A. They didn't say they were.

Q. Did the managers offer to administer to them the prescribed oath?—A. They did.

Q. In regard to the certificate which the Republican supervisor signed in conjunction with yourself, was it not simply a certificate of the number of votes cast and the number of votes each candidate received?—A. I think so.

Q. And that certificate was based upon the count of the managers, made in your presence?—A. Yes, sir.

Q. Were not all three of the managers at that poll Democrats?—A. Yes, sir.

Q. Did the two deputy marshals in any way interfere with the election?—A. No, sir.

Q. Were there any State constables present at that poll?—A. No that I know of.

Q. You say that the poll went Democratic at the last election?—Yes, sir.

Q. Had it ever gone Democratic before?—A. No, sir; not since construction.

Q. What made you think the colored people were more ready to vote the Democratic ticket at the last election than they had been in previous elections?—A. From their conversations.

Q. Did any tell you so?—A. Yes, sir.

Q. How many?—A. I don't know now.

Q. Can you form any idea how many told you so?—A. I cannot form any idea.

Q. Do you think more than a half dozen told you so?—A. There were more than that.

Q. On behalf of which party were you appointed supervisor?—Democratic.

Q. For whom did you vote for Congress?—A. Mr. O'Connor.

In reply, by M. P. O'CONNOR, contestee:

Q. When you say that you knew of no one tampering with the ballot box, you meant no official done so?—A. Yes, sir.

Q. You don't mean to exclude the idea that no person voted fraudulently at that poll?—A. No, sir.

Deposition of W. V. Izlar.

ORANGEBURG, SO. CA., October 23rd, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Orangeburg County:

W. V. IZLAR (white), a witness of legal age, produced by contest upon due notice to contestant, deposes as follows in reference to questions propounded by contestee.

Question. State your age, residence, and occupation.—Answer. A. 35; residence 4 miles from Orangeburg; occupation planter.

Q. Did you take any official part in the election of 1878?—A. I was supervisor.

Q. Who was the Republican supervisor?—A. A man by the name W. R. Brown.

Q. Were there any deputy United States marshals present?—A. Yes, sir.

Q. How many?—A. Three or four—five perhaps; I did not count them.

Q. All Republicans?—A. Yes, sir; there was one man with a bad name who had hitherto been a Democrat, but declared himself a Republican before the election.

Q. Did you keep a poll-list?—A. No, sir; I didn't.

Q. Did the Republican supervisor keep a poll-list?—A. Yes, sir.

Q. Did the clerk of the managers keep a poll-list?—A. Yes, sir.

Q. Were you present during the whole day from the opening of the poll to the closing?—A. Except ten minutes absent taking lunch.

Q. Except those 10 minutes you were present until the close of the poll and the declaration of the election?—A. Yes, sir; I don't think I left, excepting, maybe, to get water.

Q. Was there a crowd around the poll the whole day?—A. Yes, sir.

Q. White and colored both?—A. Yes, sir.

Q. Was the election conducted fairly?—A. I considered it so.

Q. And impartially?—A. Yes, sir; that was the sentiment of all that I heard express themselves in regard to it, both white and colored. I heard the colored supervisor say he was satisfied that it was conducted fairly. I heard him on two occasions say so.

Q. Did you see the voting?—A. Yes, sir.

Q. Was the voting generally with folded tickets?—A. Yes, sir.

Q. Were the tissue tickets on the tables all day?—A. Yes, sir, along with the others.

Q. Did you see many colored people voting them?—A. I cannot say positively, but I supposed so. I don't know whether they voted the tissue ballots or not, but I have heard them say since the election that they did; there are three or four that I know positively said they voted the Democratic ticket, but I don't know whether they voted a tissue ballot or the other ticket.

Q. Were any votes refused that day, or any persons denied the right to vote?—A. There were several voters challenged and not allowed to vote on account of their age.

Q. Was the ruling of the managers on those occasions acquiesced in by the Republican supervisor?—A. Yes, sir.

Q. He thought them just?—A. Yes sir. I know that on one occasion a man that was permitted by the ballot-box that was too young to vote; he was allowed inside of the barrier because the Republican supervisor said he wanted another man inside with him, and they seconded his request; his name was Thompson.

Q. You saw the votes counted?—A. Yes, sir; I was present when they were counted.

Q. Did you see the excess drawn out?—A. Yes, sir.

Q. Was it drawn out fairly?—A. It is a large box we have at this poll; we poll sometimes 1,000 or 1,100 votes; one of the managers put in one of his hands and drew out the ballots and handed them to the other managers, who destroyed them. I took the precaution to see what was the number of Democrat and Republican votes that were drawn out.

Q. What was the result of your search?—A. It looked like quite a number of each kind of Democratic tickets, and a good deal of the Republican ballots, by the names on them.

Q. Did you hear many colored people say they were going to vote the Democratic ticket on the day of election?—A. I heard more say after that they had voted it.

Q. Anything else you desire to state that I have omitted to interrogate you about that you can call to mind bearing upon this matter?—A. I don't recollect anything else of importance occurring on that day, only a general satisfaction generally expressed that the election was fair and square.

Q. Brown made no protest?—A. No, sir; he signed the report with me; he did not hesitate a moment to sign it; you look at the report and you will see that both supervisors signed it.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Are you certain there were four or five deputy United States mar-

shals at that poll?—A. I think there were about that number; I count them up, though; I might be mistaken about the number United States marshals, but I can count three.

Q. Name those three.—A. One was H. O. Smoke, a white man, a colored man by the name of Cephas Millar, and another one by the name of Sandy Keilt, that were represented as being United States deputy marshals.

Q. Were there any other marshals besides those three?—A. There are the only three I remember now.

Q. How many State constables were there?—A. I think about four or five.

Q. Were there not more than four or five?—A. Not that I can think of now.

Q. Can you give the names of those you remember?—A. Yes, sir.

Q. Just give them.—A. I. C. Edwards, a man by the name of Moore, another by the name of King, and Thomas Ray; those are the only four I remember.

Q. Are you positive there were no others?—A. I am not positive, but those are the only four I remember.

Q. Were you not a supervisor on the part of the Democrats?—A. I was.

Q. Did you keep a poll list?—A. No, sir; there were two poll lists kept though.

Q. By whom?—A. One by the clerk of the managers of election, a one by the Republican supervisor.

Q. Why did you not keep a poll list?—A. I didn't think it was necessary when I had the privilege of looking on the poll list of the managers. They were both kept, one on the right the other on the left of me, and I could see without keeping a poll list.

Q. About how many colored people did you hear say after the election they had voted the Democratic ticket?—A. I don't know, but I have heard them say, after the election, that they had voted the Democratic ticket. They didn't make public demonstration, but they told me privately that they did.

Q. You have no idea about how many told you?—A. A dozen or more.

Q. What was the nature of the report that Brown signed in conjunction with you?—A. I don't recollect whether we made any separate remarks on the report or just stated the votes and so forth.

Q. Was it not a report simply of the number of votes cast, and the number cast for each candidate?—A. I don't remember whether there were any special remarks made or not, but I know it done that.

Q. Did you see any colored people vote the Democratic ticket?—A. Yes, sir.

Q. How many did you see so vote?—A. I know two positively who did vote the Democratic ticket; they exposed their tickets at the polls. Others told me they had voted it, but I could not say positively, because they voted folded ballots.

Q. Did they vote tissue tickets or large tickets?—A. I don't remember that, but I think one did.

Deposition of I. George Vose.

ORANGEBURG, So. Ca., October 23rd, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County:

I. GEORGE VOSE (white), a witness of legal age, produced by contestee, upon due notice to contestant, deposes as follows, in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am 34.

Q. Lived in Orangeburg all your life?—A. No, sir; born in Charleston and raised in the low country; I have been in Orangeburg 9 years.

Q. You live in the town of Orangeburg?—A. No, sir; 3 miles from here.

Q. Did you take any part in the election of 1878?—A. I was a manager.

Q. A manager at the Orangeburg poll?—A. Yes, sir.

Q. Who were your associates on the board?—A. Mr. Abbergottie and Mr. Kohn.

Q. Was the poll opened punctually at 6 o'clock?—A. Yes, sir.

Q. Was the box emptied and exposed?—A. Yes, sir; exposed to those present, the Republican as well as the Democratic supervisors; it was turned upside down and exposed to all who were present.

Q. Were you present all day?—A. I was absent only for a moment at a time in response to demands.

Q. Did you attend to the counting of the votes after the election?—A. I did.

Q. And made up your returns?—A. Yes, sir; I did.

Q. And handed them in to the commissioners?—A. Yes, sir; I assisted the managers.

Q. You did not do it all, but you were there with them?—A. Yes, sir.

Q. How was the election conducted at your polling precinct?—A. Very quiet.

Q. Fairly?—A. Very fairly; no man's vote was refused unless his vote was challenged, and then we would have to submit a few questions to him.

Q. And you decided the challenges?—A. Yes, sir.

Q. Did any one tamper with your ballot-box that day?—A. No one.

Q. Was any ticket put in that box, except the ticket deposited by the voter himself, or tampered with to deceive?—A. No, sir.

Q. Was any complaint or protest lodged with you at the close of your poll?—A. None whatever.

Q. Was the vote heavy at your poll?—A. Heavy vote polled.

Q. Were the Democrats active?—A. Very active.

Q. They went into the contest with great spirit, did they not?—A. Yes, sir.

Q. Did the Democrats work actively around the poll that day?—A. They did.

Q. Do you know of the colored people voting the Democratic ticket that day?—A. I saw some of them vote it there that day, because we

had the tissue tickets laid on the table in the poll, and I saw them vote them.

Q. Do you or not believe a great many of the colored people the Democratic ticket secretly that day?—A. I know it; there man on the place that I worked—that I attended last year; I had to him about it, but he would not tell me; afterwards some one me and told me he had voted it, and I then asked him, and he said but don't tell it"; he was afraid of the other men on the place wife.

Q. And from that fact you believe numbers voted the Den ticket that day?—A. Yes, sir.

Q. Don't you know that numbers of the colored people we scribed for so doing by their fellow Republicans?—A. I do. On hardest things on the colored people is the idea of being turned the church; that has more effect on them than anything else.

Q. Did you notice any change or revolution in the disposition colored people in regard to the Democrats and in regard to vot Democratic ticket since 1876?—A. I know we have in our tow larcenies and such cases; we won't have it now.

Q. Have you not observed a manifestation on the part of the people, who have hitherto been Republicans, joining the Den party for the purpose of getting good government?—A. Yes have.

Q. Who was the Republican supervisor at this poll?—A. William W. Brown.

Q. A black man?—A. A sort of trustee.

Q. Did he make any protest or lodge any complaint as to the in which you conducted the election or counted the ballots after t ion?—A. He said in my presence and Mr. Izlar's, who was the eratic supervisor, that he had not seen a fairer and more quiet in his life; and in going down the street he said so in the pres John Izlar. He says he saw a great many more tickets taken or were put in; others will bear me out that he didn't see any; he poll-list, and put down the names as they came in to vote, and h were on a level with the box; he had a friend there by the name Thompson, and he allowed him to come in.

Q. You say these tissue tickets were on the tables?—A. Yes, Q. And they were being distributed among the crowd?—A.

Q. Was there a large crowd around the poll?—A. A prett crowd along the evening, stragglers coming in.

Q. At the close of the poll, how did you proceed with the co A. As soon as the poll was closed we started to count the nu ballots in the box, and they were put aside, and after they were we found there was an excess. We then put them back into and stirred them up, and one of the managers put his hand in and out the excess, and as they were drawn out I tore them up and them on the table.

Q. Could Brown see the votes that were drawn out in exce He could see them, but not read them. The party who drew votes would hand them to me, and I would destroy them. Son he would hand me two tissue ballots together, and I would dest and count one.

Q. Were there any Republican tissue ballots in the box?— sir; I did not see any.

Q. Were the majority of votes drawn out and destroyed Rep or Democratic?—A. That would be hard to tell, because the

ns and Democrats had their tickets very near the same size. As they were handed to me I would destroy them without looking at them, except when the tissue tickets were handed to me folded together.

Q. There were several tissue tickets drawn out and destroyed?—A. es, sir.

Q. Who drew the excess?—A. Mr. Kohn.

Q. Was it done fairly?—A. I thought so. He raised the lid of the x so as his hand could get in and out, and he would hand them to me.

Q. Do you recollect what was the excess?—A. 324 or 5.

Q. How did you account for this excess getting in the box?—A. I ink they must have been put in there doubled up in some way by the ters.

Q. Your idea is that they must have been voted in stuffed ballots, and ey got separated in the box?—A. Yes, sir; that is the way. Brown, e Republican supervisor, assisted in taking these ballots out of the x. I was feeling sick through the day, and he was standing by me, d said, "I will assist you." He didn't report a single double ticket. ter a while I went back, and found two Republican tickets folded together. I destroyed one and counted one.

Q. Have you any idea of how many tissue ballots were found in that x?—A. I have not.

Q. Have you taken any part in the previous elections held in this nty?—A. Only using what little influence I could and vote.

Q. Did the Republican party make a practice in former elections of eating in this county?—A. That was the common belief, because they ald vote at one poll, and make for another.

Q. Did you see as many colored as white people vote the tissue ticket t day?—A. I did not notice; we took turns to stand over the box; I s not over the box the whole time.

Q. Is there any other fact that you can mention, that I have forgotten interrogate you on?—A. Yes, sir. This man Thompson that was the stant of the supervisor, we would stand up and see a crowd of little ys come up, and I would Thompson if those boys come up here they l get into trouble, and he would say, "How old are you," and they ul say 21, and he would say, "You had better go off." I know some nt off in that way.

Cross-examination by E. W. M. MACKEY, contestant:

1. For whom did you vote?—A. Mr. O'Connor.

1. Were not all three of the managers Democrats?—A. They were.

1. Did they not all three vote for Mr. O'Connor?—A. I judge so.

1. Did the managers have a clerk?—A. They did.

1. Who was the clerk?—A. Mr. Copes.

1. Was he not also a Democrat?—A. He was.

1. Did he keep a poll-list?—A. He did.

1. Did the Republican supervisor keep a poll-list?—A. He did.

1. Did their poll-list agree?—A. It agreed, but he would keep voters ting to vote, while he caught up.

1. Did the two lists correspond?—A. Yes, sir; they tallied.

1. How often did you find two Republican tickets folded together?— Twice.

1. Did you find any Democratic tickets folded together?—A. I did

1. Did you find any Democratic tickets with small tissue tickets ed inside of them?—A. I did not.

1. Examine these three tickets and see if they were the kind of tickets

found in your box at the poll. (Handing witness exhibits marked J, and K.)—A. I could not say positively; I did not charge myself with it, but I recollect that style of ticket [referring to small Democratic tissue ticket marked Exhibit H], but these other two I don't recollect. recollect the small Democratic tissue ticket marked Exhibit H ; about the other two I cannot say about the size, but they resemble the tickets that they used that day, those Exhibits J and K.

Q. How many colored people did you see vote the Democratic ticket?—A. I never charged my memory with that; they just kept coming in, at every now and then I would see them.

Q. About how many did you see?—A. I would not like to express my opinion, because a great many voted there I didn't see.

Q. How did you know they voted the Democratic ticket when you didn't see them?—A. Others told me, and besides that we have a great many here who always did vote with us.

Q. When you say others told you, what do you mean; do you mean that other colored men told you that they had voted the Democratic ticket, or other white men told you that colored men had voted the Democratic ticket?—A. I mean both.

Q. About how many colored men told you that they had voted the Democratic ticket?—A. I never charged my memory.

Q. Can you form any idea of the number?—A. No, sir.

Q. Do you think a dozen told you so?—A. I wouldn't like to state.

Q. Did you see any colored men vote the Democratic tissue ticket?—A. I did.

Q. How many did you see vote the tissue ticket?—A. I didn't count them, either.

Q. Can you form any idea of the number you saw vote the tissue ticket?—A. No, sir. What called it so vividly to my memory is the cause I called the attention of Supervisor Brown by saying "There goes one of the tissue tickets been voted by a man of your own color." I did see one colored man go up to vote there who was so badly frightened that he could not get it in the hole.

Q. Were there any State constables present at that poll?—A. Yes, sir.

Q. How many?—A. I don't know that, either.

Q. Were there a dozen present?—A. I don't know; my attention was there to the ballot-box, and I didn't go outside of that. I staid there attend to my business inside.

Q. Can you not say whether there was 5 or 6 or 10 or 12?—A. I cannot say that, because what I swear to I expect to stick to.

Q. Were there more than 6?—A. I cannot say.

Q. Do you recollect any of the names of the State constables that were present?—A. I do.

Q. Give the names of the persons who were present and acted as State constables on the day of election.—A. I. C. Edwards, —— Moor and Thomas Ray. Those are all that I can be positive about, but I think there were one or two more.

Q. Was not Mr. Salley one of the constables?—A. I don't know.

Q. Who was the chief constable.—A. Edwards.

Q. Did any repeating on the part of the Republicans occur at the poll?—A. Not that I know of.

Q. Did you ever know of any colored man being turned out of the church because he voted the Democratic ticket?—A. No, sir; but knew threats of it.

In reply by M. P. O'CONNOR, contestee:

Q. Was any person denied the right to vote at your poll who was legally qualified to cast his vote there?—A. Not that I know of.

Q. Was any person's vote rejected?—A. Two or three that were challenged.

Q. And the managers heard the challenges, and decided it?—A. Yes, sir; they were challenged, and after we heard the cause we decided they could not vote.

Q. How many cases of that kind were there?—A. Either two or three.

Q. You don't think there were more than three?—A. I don't think there were.

Q. There were, then, three cases of challenged which was decided against the offering voter?—A. Yes, sir. There were some cases where persons had been in the penitentiary; we didn't wait a moment; we just set them aside.

Q. What was the ground of challenge of these three persons which the board of managers decided affirmatively?—A. I don't recollect.

Q. Were there any United States deputy marshals at this poll?—A. There were.

Q. Were they Republicans?—A. They were.

Q. All Republicans?—A. Yes, sir.

Q. Were there any Democratic United States marshals there?—A. None at all.

Q. Do you know how many Republican deputy marshals were there?—A. Three.

Q. Were they very obstreperous?—A. One was particularly obstreperous; he could not keep out of trouble; and he got into trouble, too, before he left.

Q. Who was he?—A. Sandy Kaitl.

STATE OF SOUTH CAROLINA,
Orangeburgh County:

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee.

THURSDAY, October 23rd, 1879.

Court met, pursuant to notice given E. W. M. Mackey by M. P. O'Connor, at the court-house in the town of Orangeburgh, State and county aforesaid.

Present: M. P. O'Connor, contestee, and Geo. R. Walker, his counsel; also E. W. M. Mackey, contestant.

The following witnesses were examined, viz: W. L. Ehney, T. W. Gleatin, W. F. Phillips, J. J. Jennings, J. D. Ackley, D. E. Conner, W. V. Izlar, J. Geo. Vose.

[SEAL.]

J. L. HEIDTMAN,
Notary Public, S. C.

Deposition of T. W. Oliver.

ORANGEBURG, So. Ca., October 24th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburgh County:

T. W. OLIVER (white), a witness of legal age, produced by contestee

upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. Age is 52; I reside in Orangeburg County, Cawcaw Township, Cent-Hill Post-Office; occupation, farmer.

Q. Did you take any part officially in the election of 1878?—A. voted in that election.

Q. Were you a manager of election?—A. No, sir. Supervisor.

Q. At what poll?—A. Zeigler's poll.

Q. Who were the managers there?—A. B. H. Horger, I. N. Roye and O. H. Woolfe.

Q. Who was the Republican supervisor?—A. Edwards; I think that was the name.

Q. A black man?—A. Yes, sir.

Q. A prominent Republican?—A. He is a Republican.

Q. Prominent Republican?—A. He was school-teacher, I believe.

Q. Ever held any office?—A. Not that I know of.

Q. Were there any United States deputy marshals there?—A. Yes sir; two.

Q. Were they Republicans?—A. Yes, sir.

Q. How did they behave themselves?—A. Very well; they came in and we said we had no use for them; this decision of Mackey was read to them, and they behaved themselves.

Q. How was the poll arranged at that precinct?—A. There was a room and there was a door that two could pass in and one pass out, and there was a passage where the spectators could stand; the managers and supervisors were inside by a table or counter.

Q. Were the marshals acting as partisans securing voters?—A. They came inside. I believe they challenged one or two voters, but there were no objections to that.

Q. Were you there all day?—A. I was there all day. I might have been away, when occasion called me out, about 5 minutes at a time; the other supervisor was in.

Q. Did you keep a poll list?—A. He did, and I assisted him.

Q. Did the clerk keep a poll list?—A. Yes, sir.

Q. Did the polls open at 6 o'clock?—A. It was opened about 6, but cannot say positively.

Q. Was the Republican supervisor there when it was opened?—A. Yes, sir.

Q. Was the box exposed?—A. Yes, sir.

Q. Was everything conducted fairly and squarely?—A. As far as could see.

Q. Did the colored people vote the Democratic ticket?—A. I sat in the box, but could not see what kind of tickets they put in.

Q. Have you reasons to believe that some did vote it?—A. Yes, sir, they told me that they were going to vote them, and one voted it openly.

Q. You didn't see them vote them at all?—A. I couldn't see the outside the doors.

Q. Were the Democrats active at that poll?—A. I suppose so, but were active.

Q. Is it a Democratic or a Republican poll?—A. It has been Republican until the last election.

Q. It went Democratic the last election?—A. Yes, sir.

Q. Largely?—A. I think about 40 or 50 odd votes, I don't remember the number but I don't think it exceeded that.

Q. Did the Democrats in that precinct expect to carry that poll in the election?—A. Yes, sir.

Q. Had a change come over the colored people, was there any difficulty in persuading them?—A. There was a good deal of persuading done, but they wanted their actions kept secret.

Q. You believe such of the colored people that voted the Democratic ticket there, voted it secretly except the one you saw?—A. No, sir, there were some others, but I could not tell whether they voted it or not, because they voted them secretly. There were a great many that belonged to the club there.

Q. Was there a colored Democratic club there?—A. No, sir. A Democratic club of white men with colored men in it.

Q. Were many men challenged at your poll?—A. There was one man challenged at our polls as living out of the county; he was asked if he did not live out of the county, and he said he did.

Q. Did the Republican supervisor lodge or file any complaints with the managers that day?—A. No, sir, none whatever—when the poll list was counted up before the ballot box was opened for the counting of the votes, their poll lists were even, there were too many ballots, and after that he kept his tally, until O'Connor got too far ahead, and then he quit.

Q. This happened when the count was going on?—A. Yes, sir.

Q. From the time of the opening of the poll, until 6 o'clock in the evening, he made no complaint?—A. None at all.

Q. Did the poll close at 6 o'clock?—A. Yes, sir.

Q. And then you proceeded to count?—A. Yes, sir, and all were allowed in.

Q. Republicans and Democrats alike?—A. Yes, sir.

Q. Was the count conducted fairly?—A. According to the law.

Q. What was the excess found in the ballot-box?—A. I don't recollect.

Q. Was it large or small?—A. I think it was just about double.

Q. Double what?—A. The ballots were just about double the names on the poll-list.

Q. When this excess was discovered did you proceed to them out, according to the law?—A. According to the law.

Q. Was it done fairly?—A. As fairly as it could be done; the box was covered, and one of the gentlemen blindfolded; I won't be positive about that, but he didn't look into the box; the other two managers held the covering, and he put his hand in and drew them out; they never were unfolded; they were thrown into the fire.

Q. Could you tell what proportion of Republican and Democratic voters were drawn out?—A. I could not tell.

Q. Could any living person tell?—A. No, sir.

Q. Were the ballots all found folded?—A. All except one. A man voted his ballot open, and the managers told him that he ought to have folded it.

Q. Was there any stuffed ballots found in the box?—A. One with two in it.

Q. What did you do with it?—A. We counted one, and threw the other away.

Q. Were the votes all found scattered in the box?—A. I didn't see the votes in the box; that is the only exception I saw—the two folded together in the last count.

Q. Did any of the managers tamper with that box that day?—A. No one.

Q. You are sure that box was empty that day?—A. Yes, sir.

Q. You are sure there were no ballots put in that box, except by the voting?—A. Unless it was done while I was away.

Q. The Republican supervisor complained after the election?—A. I did not. He said that he would have signed the certificate too, but had some talk with some influential men there, who advised him not do so.

Q. Was that influential man a Republican?—A. One of the most influential men in the country. I asked him why he did not sign the report with me. He said his reason was he was afraid of Mackey. I expect there were a dozen who heard him say it. I heard them speak of afterwards.

Q. How many kinds of ballots were used there that day?—A. There only; Republican and Democratic.

Q. Were they pretty much the same size?—A. I believe the Republic ballots were a little larger.

Q. Were any tissue ballots used at that poll?—A. Never saw one.

Q. Were the Democrats active at that poll?—A. We had been active to that day.

Q. Did you make an active campaign there?—A. Yes, sir; we did our best, because we said we intended to carry the election fairly and squarely if we could.

Q. There was a great spirit amongst the Democrats?—A. Yes, sir, but on that day I could not see anything outside as I was at the box.

Q. Is there anything else that you desire to state that I have omitted to ask you?—A. I don't recollect anything. I think that I said that I asked the United States supervisor why he would not sign my report and he said simply because he was afraid to do it, and I asked him whom, and he said Mackey.

Q. How many votes were cast at your precinct?—A. About 230.

Q. You think you voted your whole strength?—A. Yes, sir.

Q. What is the proportion of the colored voters as the white voters?—A. About twice as many.

Q. Had you been among the colored people in the campaign?—Yes, sir.

Q. Had you noticed any change amongst them?—A. The Republicans were not active; they had one or two meetings, and I was there and they were not more than thirty there, and I heard afterwards that they did hold any meetings.

Cross-examination by E. W. M. MACKEY, contestant:

Q. How came you to be at a Republican meeting?—A. I was at a store, and heard there was to be a Republican meeting, and I went to see the meeting.

Q. The meeting had been called without your knowledge?—A. Yes, sir.

Q. May they not have held meetings without your knowing of it?—A. Yes, sir; they may have done it secretly; they didn't do it public, they may have held many meetings that I didn't know anything about.

Q. If the Republicans had held any public meetings, would not the Democrats in that section have attended them?—A. I don't think they would.

Q. Can you not remember about how many colored men belong to Democratic club of which you are a member?—A. I think I can count within a few; there somewhere about 12, 13, or 14 in there; there may have been less; that was the number reported to me. The only rea-

why I say so is, when the roll was called, that number of names were called, but I am not positive about the number; there might have been more.

Q. Were not all three of the managers of election at your poll Democrats?—A. All three of them.

Q. How many State constables were present?—A. I could not answer that question.

Q. Can you remember about how many?—A. I cannot say how many were there, but I saw two, but I don't think there were more than four.

Q. Besides the one Republican ticket which was found folded with another, were there any other tickets found folded in the ballot-box, either folded together, or folded one within another?—A. Not to my recollection.

Q. Were all the rest of the tickets in the box found folded separately?—A. As far as I can recollect; that is, as the managers called them together.

Q. Could you tell whether or not they all were folded or some folded?—A. They were all folded; they were all doubled together, all that I saw.

Q. And no tickets were found with other tickets folded inside of them?—A. Except that one ticket that I saw, to my recollection.

Q. Did the managers of election express any surprise when they opened the ballot box and ascertained that there were twice as many tickets in the box as there were persons who had voted?—A. I don't recollect, but there appears to me there was a good deal. It was expressed by a great many that they could not see how they got in there, that they must have multiplied; there was some surprise expressed.

Q. You testified that the Republican tickets were larger than the Democratic tickets; now are you not mistaken, were not the Democratic tickets longer than the Republican tickets and the Republican tickets a little wider than the Democratic tickets?—A. I just was speaking about the width (witness being handed Exhibits J and K, identifies Exhibit K as the Republican ticket and Exhibit J as the Democratic ticket).

Q. Then the Democratic ticket was a little longer than the Republican ticket?—A. I don't recollect noticing it on that day.

Q. You testified that both parties were very active on the day of election, did you not?—A. Yes, sir, so far as I know.

Q. Did the deputy marshals in any way attempt to intimidate any of the colored men who may have wanted to vote the Democratic ticket?—A. Not that I know or heard of.

Q. Did they in any way interfere in the management of the election?—A. Not that I know of, not with the election in the house they didn't.

Q. Did the Republican supervisor, in refusing to sign the returns of the election, tell you why he was afraid of Mackey?—A. He made some remark but I cannot recollect now what it was.

Q. On behalf of what party were you appointed a supervisor?—A. The Democratic.

Q. Were you a member of any Democratic club?—A. Yes, sir.

Q. Were you particularly active?—A. No, sir; not very active. I simply expressed my feeling.

Q. Were you not recommended by your club for supervisor at that poll?—A. Not to my knowing I was not.

Q. Have you ever heard that you was so recommended?—A. I never did.

Deposition of I. K. Hayne.

ORANGEBURG, SO. C.A., October 24th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County :

I. K. HAYNE (white), a witness of legal age, produced by contest upon due notice to contestant, deposes as follows in reference to questions propounded by the contestant:

Question. State your age, residence, and occupation.—Answer. I occupation, farmer; residence, Orangeburg County.

Q. Lived your whole life in Orangeburg County?—A. Yes, sir.

Q. What part did you take in the election of 1878?—A. I was supervisor at the Fort Motte poll.

Q. Was that a Democratic or a Republican poll?—A. Republican poll—that is, it gave a Republican majority.

Q. A Republican majority of how many?—A. I don't recollect.

Q. Who was the Republican supervisor?—A. Joseph Stewart.

Q. A black man?—A. Yes, sir.

Q. A politician?—A. I suppose so; he has been heretofore either supervisor or manager at that poll in every election. I believe in nearly every election.

Q. He is one of the boss dogs of the Republican party of that place
A. No, sir; I don't think he has any particular influence.

Q. Were there any deputy United States marshals there?—A. Yes, sir.

Q. How many?—A. Two, I think. I don't remember more than two.

Q. Were they quiet and orderly?—A. Yes, sir.

Q. Did the deputy marshals interfere at all with the election?—No, sir.

Q. Were they officious in the election as Republican partisans?—A. I don't think so on that day.

Q. Who were the managers of election?—A. James G. Trezevant, I. Milan, and W. H. Clothing.

Q. Was the poll opened at 6 o'clock?—A. I got there about 6 o'clock and saw one of the managers open his watch and state it was 6 o'clock and that he would open the poll.

Q. Was the Republican supervisor there?—A. Yes, sir; and the deputy marshals were there.

Q. Was the box perfectly empty when it was opened?—A. I think there were some ballots in it when it was opened, but the manager opened it and threw them out, and then closed the box.

Q. Were they rolled in a package?—A. Yes, sir.

Q. You are satisfied that there was nothing in the box when the box was locked preparatory to receiving the votes?—A. No, sir; nothing at all.

Q. Don't you know that was the way they were sent out?—A. I do know that it was. I have been a manager on several occasions, and that was the usual way of sending them around.

Q. Did the Republican supervisor keep a poll-list?—A. He commenced one but he didn't finish it; he got it very much confused, and before the election closed he threw it away. It was perfectly unintelligible.

Q. Was anybody denied the right to vote that day?—A. No, sir.

Q. No qualified voter?—A. No, sir.

Q. Was the election conducted fairly and squarely?—A. Yes, sir.

Q. And impartially?—A. Yes, sir.

Q. Were you there during the whole day?—A. I got there before the polls were opened, and staid there until the ballots were counted; during the interval I was outside of the polling precinct, the Republican supervisor was there when I was absent.

Q. Was he absent any?—A. I don't think he was.

Q. Were the ballots cast folded or were they cast open?—A. The Republican tickets, as a general thing, were cast folded. There was a colored man who stood there with a bandanna handkerchief with the Republican votes in it, and as the men came up he would give them the tickets.

Q. What was the object of the handkerchief?—A. Because he didn't want anybody but his people to get hold of the tickets.

Q. Do you know how many colored people voted the Democratic ticket that day?—A. I heard some say they intended voting it, but I didn't see them; the Republican tickets were tied up in this handkerchief. I don't think nine-tenths knew who they were voting for.

Q. Were the Democrats active at that poll?—A. I don't think they were particularly active, not more so than on any other occasion.

Q. Did the Republican supervisor lodge any complaint or file any protest as to the conduct of the election that day?—A. None that I heard of.

Q. When the poll closed were you present at the count of the votes?—A. Yes, sir.

Q. Was the count fair?—A. Yes, sir.

Q. Was there an excess of votes over the names on the poll-list?—A. Yes, sir.

Q. What was the excess?—A. About thirty.

Q. Was that excess drawn out of the box?—A. After they counted the ballots and found there was an excess, the ballots were returned to the box and one of the managers was blindfolded and he drew out the tickets and handed them over to another manager, who destroyed them.

Q. Do you recollect whether there was an equal proportion of Republican and Democratic tickets drawn?—A. There was some of each drawn out.

Q. You cannot remember which preponderated?—A. No, sir.

Q. But some of each were drawn out?—A. Yes, sir.

Q. Did the Republican supervisor protest against the count?—A. No, sir.

Q. Did he complain of the drawing?—A. No, sir; not that I heard of.

Q. After the votes were counted did he join with you in certifying the returns?—A. Yes, sir; I think he did, and I sent it down to Charleston to Pioneer.

Q. Did he state that there was any fraud that ought to be reported to the chief supervisor?—A. No, sir.

Q. What is the vote of that poll?—A. About 260.

Q. Did the colored people vote secretly at that poll?—A. No, sir; I don't think they did.

Q. They didn't vote secretly?—A. I don't think so; I don't remember.

Q. What I mean, did they expose their tickets or vote them shyly?—A. I told you they voted from this handkerchief.

Q. That is sort of sly?—A. I don't know whether you call it sly not; I know there were a great many who would have voted the Democratic ticket if they thought they would not be injured; some ask if they should vote the Democratic ticket and I told them no, they better not, they would be injured.

Q. You thought it was so dangerous to vote the Democratic ticket that you advised, rather than run the risk of receiving injury, to vote the Republican ticket in preference to the Democratic ticket?—A. Yes, sir, I did; I saw in the election before that a man have his shirt torn him, he came to me and told me that he intended to vote the Democratic ticket, and his shirt was torn from his back, by his wife or some of his relatives, and they would not allow him to vote it.

Q. You knew then that it would cost the colored man safety of person?—A. Yes, sir.

Q. To exercise his free choice as an American citizen if he had voted Democratic ticket in the last election?—A. I don't say at the last election, but at previous elections.

Q. But that same influence was exercised up to the last election?—A. Yes, sir.

Q. There has been a system of party intimidation practiced by Republican negroes against their own race, who desire to become Democrats or desire to vote the Democratic ticket at that precinct?—A. Yes, sir; at Fort Motte precinct.

Q. What was the vote at that precinct?—A. (witness's returns exhibited to him; from that he recollects that the vote was, E. W. Mackey 198, and M. P. O'Connor 10 votes). But I am satisfied that there more votes polled at Fort Motte than usually.

Q. I understand you to say that the vote is about 250?—A. Yes, about that.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Were not all three of the managers at Fort Motte Democrats?—A. Yes, sir.

Q. On behalf of what party were you appointed supervisor?—Democratic.

Q. For whom did you vote for Congress?—A. Mr. M. P. O'Connor.

Q. You said that the excess of votes found in the ballot-box was Was it not more than that?—A. It may have been; I don't remember particularly.

Q. Was any small Democratic tissue tickets found in the box?—A. Yes, sir.

Q. When did you first see these Democratic tissue tickets?—A. think it was about 2 o'clock in the day.

Q. Where did you see them?—A. I saw them on the tables at head of the ballot-box.

Q. Were they not in the ballot-box in the morning with the other tickets when the managers opened it?—A. I don't remember. The tickets that were in it were folded up, but I don't remember whether they were there or not.

Q. Who placed the tickets on the table?—A. I don't know.

Q. Was it the same table on which the ballot-box was standing?—A. Yes, sir; the same table.

Q. Did you see any of them voted during the day?—A. Yes, sir.

Q. How many?—A. I don't remember. I suppose I saw half a dozen The latter part of the day pretty nearly everybody voted them.

Q. By whom were they voted—white men or colored men?—A. White men.

Q. Did you see any colored man vote the Democratic ticket at your poll?—A. I don't know whether they did or not; I cannot say. There were large tickets, and if they had been folded like the Republican ticket usually is folded, I could not tell one from the other.

Q. Were the Democrats at that poll any more active than in 1876, when Hampton ran for governor?—A. I don't think they were any more.

Q. Were they as active?—A. About as active.

Q. Did these deputy marshals in any way interfere with the election?—A. No, sir.

Q. How many State constables were present at your poll?—A. Some two or three.

Q. Was there any danger in any colored man voting the Democratic ticket in the last election at your poll, if he so desired?—A. I don't think there was any imminent danger at the time, but the dread of it—I know that deterred many from voting it.

Q. Did any of them tell you that they were afraid of voting the Democratic ticket?—A. Yes, sir.

Q. How many told you so?—A. Some two or three.

Q. Did any colored man vote the Democratic ticket at that poll in 1876?—A. Yes, sir.

Q. How many?—A. I don't remember.

Q. Were any of them interfered with besides the one you mentioned?—A. No, sir; none in 1876. I told you that I saw a man that had a Democratic ticket in his hand and said he was going to vote it when I saw some colored women take hold of him and tear the shirt off him and put the Republican ticket in his hand and made him vote it.

Q. That was in 1876?—A. Yes, sir.

Q. Did you see any in the last election?—A. No, sir.

Q. Did the managers of election make any returns of the result of the election?—A. Yes, sir.

Q. What became of that return?—A. I don't know, but it strikes me they put it in the box. I would not swear that I saw them put it in there, but I am under that impression.

In reply by G. R. WALKER, counsel for contestee:

Q. You have been asked in regard to your return, have you seen that return since it was made until to-day?—A. No, sir; since I expressed it or sent it by mail I have not seen it until to-day.

Q. Did you not first see it to-day in the hands of Mr. E. W. M. Mackey?—A. Yes, sir.

Q. Is Mr. E. W. M. Mackey assistant United States district attorney?—A. I don't know whether he is or not.

Q. But Mr. E. W. M. Mackey exhibited that return to you?—A. Yes, sir.

Q. For the first time since you sent it off?—A. Yes, sir; for the first time since I sent it off from Fort Motte.

Q. In voting colored people, have you had much experience?—A. Yes, sir.

Q. You know their characters thoroughly?—A. Yes, sir; they have applied to me two or three times.

Q. You have lived among colored people all your life and know them?—A. Yes, sir; I know them.

Q. From your experience, would a colored man wishing to vote the

Democratic ticket be likely to select openly a large Democratic ticket or prefer secretly to deposit a small tissue ballot?—A. I don't know which ticket they would prefer, but I know if they wanted to vote the Democratic ticket they would rather vote it secretly than openly.

(The witness asks to correct his testimony in this particular, that instead of 260 votes being polled at Fort Motte that the same was 30

Deposition of T. M. Wannamaker.

ORANGEBURG, SO. CA., October 24th, 1875

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County:

F. M. WANNAMAKER (white), a witness of legal age, produced contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Q. Question. Please state your age, residence, and occupation.—
A. Answer. Forty-three; lawyer by profession; born in this county.

Q. Lived here all your life?—A. Yes, sir, except when I was campaigning.

Q. Did you any part in the late election of 1878 officially?—A. Said part.

Q. In what capacity?—A. I was a member of the Democratic executive committee and commissioner of election for the county.

Q. When did you receive your appointment as commissioner of election?—A. Some time prior to the election.

Q. Ten days prior to the election?—A. Yes, sir.

Q. Who were your associates?—A. W. I. De Treville and E. I. Cain.

Q. Mr. De Treville a Democrat?—A. Yes, sir.

Q. Mr. Cain a Republican?—A. He has always been a Republican he was a member of the legislature under the Republicans and she of the county under the Republicans, and never had any other affiliations but with the Republican party.

Q. In your selection of your managers did you secure and, in fact, select, discreet and intelligent men?

(Objected to by contestant as leading.)

A. We endeavored to do so, and did do so. In selecting the managers of election we consulted with Cain, and gave him the privilege naming one, reserving to ourselves the right of naming two. Mr. Treville named one and I named one, but Cain waived it, from the difficulty of finding men to read and write at the different precincts.

Q. Was he satisfied with those named by you?—A. He was.

Q. Did he name any?—A. He did not. He was perfectly satisfied with the selection made by the board.

Q. Did your board furnish them with instructions?—A. I did, and gave them verbal instructions besides.

Q. Did you not furnish them with a list of the election laws printed on a sheet of paper?—A. I did. I furnished every manager with a list without exception.

Q. What is the number of precincts in this county?—A. I think there are 18 now, but there were 20; two were abolished.

Q. What precinct were you at?—A. I was at Lewisville.

Q. You know anything about the manner in which the election was

conducted there?—A. As far as I know, and far as I could see, it was conducted in a legal manner. It was an extremely quiet election; I don't think there was a single demonstration made; it was an exception to all election that I had previously witnessed.

Q. When did you receive the returns from the managers?—A. We had returns from every manager by 8 o'clock next morning; arrangements were made for that purpose by the Democratic party; we had rallyers for that purpose.

Q. When did you canvass the votes?—A. Very shortly afterwards.

Q. Were any polls rejected?—A. Two polls.

Q. Please state what polls were rejected.—A. Fort Motte, that poll was a Republican poll by 94 majority, and there was Corbettsville, that was a Democratic poll by 95 majority; they were both rejected for the same irregularity, the want of poll-list, and no return of managers. They had supervisor's returns in each box, not accompanied by the poll-list, which only contained a summary that each candidate received so many votes, and not signed by the managers, and with no poll-list.

Q. You felt it your duty to reject these polls?—A. Yes, sir; I had received no returns from the managers, but they reported to me the result of the votes cast, so that personally I had a knowledge of what would have been the result of the canvass, but I can say it had no effect upon me in the rejection of the boxes.

Q. Was there anything else in the canvass that you acted upon, except those two cases?—A. Nothing else. Perhaps, in correcting; we may have made some corrections; in one or two boxes we may have made some corrections. Mr. Cain not being good at arithmetic as Mr. De Treville or myself, we had the corrections of the figures so that they would tally; they had all the figures placed down, but we had to add them over.

Q. Was not the result of your canvass of the returns substantially the same?—A. Yes, sir.

Q. Was not the result obtained by the commissioners the same as the result obtained by the canvass of the votes?—A. Nearly the same thing, excepting three votes.

Q. You conducted your duties as commissioner fairly and impartially?—A. As conscientiously as it was possible to do it. I can say that our official duties were performed in a most impartial and strictly legal manner.

Q. You have had considerable experience with the people of this country; have you observed any change in the disposition of the colored people looking towards their voting the Democratic ticket in the late election of 1878, more of a propensity and manifestation than had been observed at any previous election?—A. As far as I could see, that was the case; the Republicans had but two meetings before the election, and one other only that I heard of in the lower part of the parish. Before this campaign they would not attend our meetings. At this campaign they did attend, and quite a number joined our parades and wore our badges; personally a great number promised, and told me they would vote the Democratic ticket, and afterwards told me they had voted it; I think about 200 told me so; the supervisor and one of the marshals offered to vote the Democratic ticket on that day and were dissuaded by the Democrats for fear it would give an unfavorable cast in the conduct of the election.

Q. Were there colored Democratic clubs in this county?—A. Yes, sir; there were a number of colored men enrolled in the Democratic party, and the Democratic party had taken extreme pains as to political pre-

ferment according to the number that had joined us. Two colored men were elected on the Democratic ticket, one for the legislature and one for the position of county commissioneer. The colored man elected to the legislature was a prominent Republican in all preceding elections. B. G. Frederick, and he is connected with all the influential colored Republican families in the county.

Q. Did not the Democrats give the colored people promise of protection if they voted the Democratic ticket?—A. We did.

Q. Did not that promise have the effect of getting many of them to vote the Democratic ticket?—A. It did abate their fear to some extent; some said that they were afraid to vote the Democratic ticket openly or account of being afraid of being assaulted, their stock killed, and their houses burnt. I have had many to say to me that we could protect them on the day of election but not at the dead of night.

Q. You have said that the Republicans made hardly anything of a campaign in this county; did the Democrats make an active campaign?—A. Yes, sir; more than I had ever known, and more personal solicitation of votes than has ever been known before.

Q. Were the Democratic meetings largely attended by colored people?—A. They were more so than ever before.

Q. The result of the election showing large Democratic gains over any previous election since reconstruction did not then surprise you?

(Objected to by contestant as leading.)

A. It exceeded my expectations. From the indications, I expected we would carry this county by about 500 votes, and I think the majority was something like 1,400.

Q. In consequence of that dread which you have spoken of, as expressed by the colored people of midnight outrages, as a general thing did the negroes who did vote the Democratic ticket vote it openly or secretly?—A. It has been the invariable experience that the negroes who voted the Democratic ticket voted it secretly. There are few who are bold enough to vote it openly, but there are only a few.

Q. Has there been any general dissatisfaction with the result of the last election expressed by the colored people?—A. On the contrary, I have not heard a single expression of dissatisfaction.

Q. Was the county Republican ticket for Orangeburg one that in all respects satisfied the Republican masses in this county?—A. That is a matter of opinion; but there was a very boisterous scene that I witnessed here at the nominations—the first nominations made here. It was claimed by the negroes that it was made by a clique, and that had to be changed about 3 days before the election. The change was not made by any convention but by the clique, as they call it. They withdrew one man from the ticket for a man that was in negotiation with the Democratic party to get on their ticket, to give him a place. A number of negroes scratched his name from the Republican ticket.

Q. There did exist some discontent in the ranks of the Republican party?—A. There did exist great dissatisfaction; the Republican party had no recognized leader in this county; at the last election there were none that were recognized; they led themselves. In some precincts their tickets were not received, and in some places those men that they sent there as ralliers voted the Democratic ticket openly.

Q. Anything else in this connection you wish to state?—A. I don't know that I can remember anything at this moment. I can only testify as to Leesville, where I was the whole day. In previous campaign George Bolivar furnished the "sinews of war" for the party, but declined to honor their drafts in this one.

Q. You were present at the poll at Leesville on the day of election?—
A. The whole day.

Q. Was the election, as far as you saw, conducted in a fair manner?—
A. I was not at the poll, but was near in a house where the Democratic headquarters were.

Q. Did a great number of colored people vote the Democratic ticket at Lewisville poll?—A. That I don't know; I know about 20 of them voted it.

Q. Have you reasons to believe that many others besides the 20 of your own knowledge did vote the Democratic ticket at that poll?—A. I have reasons, from the number of tickets that were in the box, to believe so, and from quite a number telling me they would vote it and quite a number telling me afterwards that they had voted it.

Q. Did M. P. O'Connor make a canvass of this county for Congress?—
A. Yes, sir; he did.

Q. Did E. W. M. Mackey, the Republican candidate, make a canvass of this county?—A. I heard of his addressing 200 or 300 boys and men of the village one day.

Q. That was the only public meeting you heard of Mr. Mackey addressing?—A. That was the only one, except one that I heard had been broken up, in the lower part of this county.

Cross-examination by E. W. M. MACKEY, contestant:

Q. How many meetings did Mr. O'Connor address in Orangeburg County?—A. To my recollection, five.

Q. Were you present at the Republican meeting which was addressed by Mr. Mackey?—A. I did that, at the respectable distance of about a half of a mile.

Q. Do you mean to say that there were only 200 or 300 boys present at that meeting?—A. I said boys and men; I meant to have said that the crowd didn't exceed 500, of which a considerable portion consisted of boys who were under age.

Q. At the distance of a half mile could you tell the difference between a boy and a man?—A. I witnessed the procession that filed through the village and defiled to that place, and I knew some of the boys that rode in that parade.

Q. Were any other persons at that meeting except those who participated in that procession?—A. I don't know of any others; we had an inspection parade here at that time, and it was with great difficulty we could keep the men from there; some went anyhow.

Q. Could you swear, of your own knowledge, that the crowd present at the Republican meeting did not exceed five hundred people?—A. I could swear that was my judgment; I am pretty well versed in crowds, and remembering that I could say that there was not more than 250 in the procession, and that crowd was nearly half of what was there.

Q. What meeting was it that you heard had been broken up in the lower part of the county?—A. It was a Republican meeting early in the campaign, and I have no knowledge except report that it had been broken up by some young men—the report which was brought to the Democratic executive committee, of which I was a member; and the conduct of the Democrats was reprobated by the Democratic executive committee; no complaint was made to us, it was a mere rumor.

Q. In what part of the county was this meeting held which was broken up?—A. I think it was by a church, not from a precinct called Washington Seminary; I won't be positive about the situation; there was no

report that there was any violence exhibited, but that the young men insisted upon talking and out-talked them.

Q. Did you not take a very active part in the interest of the Democrats in the last election?—A. To the best of my ability.

Q. You have always been very active in the interest of the Democracy in this county?—A. Always.

Q. Did you not support and vote for Mr. O'Connor at the last election?—A. I did.

Q. By whom were you recommended to the governor for appointment as commissioner of election?—A. By the Democratic executive committee. I declined the appointment at first, but was urged to accept it. I am satisfied that the appointment came through the Democratic executive committee.

Q. Was not the appointment of Messrs. De Trelle and Cain, the other two commissioners, also appointed on the recommendation of the Democratic executive committee of Orangeburg?—A. I do not know.

Q. Do you not know that they _____ recommended by the executive committee?—A. I do not know of it. They were not recommended at any meeting that I attended. If you want my opinion, I will say I presume they were appointed upon the recommendation of the Democratic executive committee, but I have no knowledge of it myself.

Q. After your appointment as commissioner of election did you resign your position as a member of the Democratic executive committee?—A. After the election, but not before the election. I did not resign before or immediately subsequent to my appointment as commissioner.

Q. As commissioner of election, was not the duty assigned to you of distributing the ballot-boxes?—A. That is so generally.

Q. But did you not personally attend to most of that business?—A. I did.

Q. Did you not also distribute the Democratic tickets in this county to the various election precincts?—A. I did.

Q. Did you not generally send out the Democratic tickets with the same person who carried out the ballot-box?—A. To my recollection, I did. In some cases I may have given one manager the box and another the ballots. They were not in the same room, and occasionally I may have given them to some party who was not a manager for distribution.

Q. Were not the ballot-box in all instances delivered to one of the board of managers?—A. Yes, except in one or two instances; may be one of the managers may not have come, and I may have given it to some one else.

Q. Did you deliver to the same manager the ballots?—A. Yes, I usually gave the ballots.

Q. In sending out Democratic tickets to the various precincts, how many different kinds did you send?—A. There were in all three kinds.

Q. Describe them.—A. Two of them were very much alike, identical one a little longer than the other, and the other one is historically known in fact by the name of the little joker.

(Witness identifies Exhibit J and H as two of the kinds of Democratic tickets sent out; the other one was a little larger than Exhibit J but identically the same.)

Q. In the appointment of managers of election, upon whose recommendation were the managers at the various precincts appointed?—A. A large number were recommended to us by the Democratic clubs of the various precincts; we left one for the Republican commissioner to nominate; he afterwards waived that, and we filled it up.

Q. Upon what ground did Cain, whom you call the Republican commissioner, waive his right to appoint one of the managers?—A. First

for a want of knowledge of intelligent men at the various precincts, and he said no recommendations had been made to him by his party, and a want of confidence in the men at the precincts, and his want of confidence in the ticket that was nominated. He said he did not care a damn for the election.

Q. Then Cain was really in favor of the election of the Democratic ticket?—A. He did not say so; he did not vote that ticket; he has always been a Republican and voted the Republican ticket, and said he would always do so; but in this instance he said he didn't care a damn, and would not bother himself about it.

Q. Had there ever been any trouble in securing Republican managers of election in previous elections at the different polls?—A. Not that I know of; there are an abundance of them.

Q. Did Cain say that one Republican could not be found at each poll in this county competent to serve as a manager of election?—A. I think I would be justifiable in saying so; there are very few that can read and write and have the necessary requirements to fill that position; we thought that it was the duty of the other party to recommend a manager of their kind, and they failed to do so. Mr. De Treville appointed one, and I one, and we left one for Cain to fill up, which he did not, and we filled up.

Q. Do you not know that Cain's remarks was intended for those who were managing the canvass on the part of the Republican party?—A. I never did find out who was managing; there was no recognized leader in this county in the last election.

Q. Did not the Republican party have a chairman in this county at the last election?—A. I believe they did; but his authority was not recognized by the negroes.

Q. Was there not a Republican chairman in this county?—A. There was a man, Mr. Duncan, who claimed to be chairman; I spoke to him, and he never objected to the appointment of Cain; he rode on the car the same day I mentioned it, and he did not object to him.

Q. Have you not heard that the Republicans of this county recommended a man as commissioner of election to the governor?—A. I did hear that they did recommend one; that same man held a position at that time of United States supervisor, and held the position of supervisor the day of election; he would have been open to the same objection as Cain; his name is John L. Williams. Since you have called my attention, I remember it distinctly, as a member of the executive committee, something about the propriety of his appointment; he was teaching a school at the time, or was an applicant for the position as teacher of a school, and affiliating with the Democratic party, and from that reason we would be open to the same charge that was sought to be made in the case of Cain.

Q. When the commissioners of election ascertained that there were no returns from Fort Motte and Corbettsville, did they make any attempt to obtain the reports from those two polls?—A. We did not; I knew of no means of doing so, and none suggest themselves to me now as would have been legal.

Q. Could you not have sent for the managers of election and ascertained why they had not sent the returns?—A. I know of no authority we had for that purpose.

Q. You say that in each of the boxes there was a return signed by both of the supervisors?—A. I am not positive whether they were signed by both or not; the supervisor not being recognized as a State officer, we did not think we would recognize that at all.

Q. When was it that the managers of these two polls reported result of those polls?—A. I don't know that the managers did Democratic messenger reported to me the result of these two polls. I the only commissioner that had that knowledge. It had no effect o action. I acted under the law. I do not know but we made a r that any other box that was found in that condition would be th out. I knew the general result of the election from the entire poll 8 o'clock next morning.

Q. Were those the only two polls that returns were not sent to commissioners of election from?—A. They were; I am satisfied were the only two polls; that is my recollection.

Q. What became of the returns from Bull Swamp and Branchville A. I have no recollection of any irregularity in connection with th we regarded the boxes as regular. I have no recollection of any ir larity about them; if there was it has escaped my recollection. member this much—perhaps one box or more did not the returns side, but slipped on the inside of the box; we did not think that viti the election, but nothing occurred that we conscientiously tho vitiated the returns.

Q. How can you account that the returns from Bull Swamp Branchville cannot be found in the office of the secretary of state? I have no idea of it; there is no reason that I can give for it?

Q. Have you any data in your possession by which you can tell was the vote cast for the respective candidates for Congress at E Swamp, Fort Motte, Corbettsville, and Branchville?—A. I canno tell what was the Republican vote cast at Fort Motte alone.

Q. I want the vote for each candidate?—A. I cannot tell.

Q. Were you present at the Republican convention which was in this county?—A. I was as near as it was possible for a decent to go, right on the outside of the window.

Q. How many of the nominations made on that occasion were wards changed?—A. My recollection is that three were changed; some of the candidates swapped places. I think Mr. Webster w candidate for one place, and was a candidate for something else wards. I know he was a candidate, and always has been.

Q. You say one of the men, afterwards placed on the ticket, scratched by number of negroes. Can you tell how many scratche name?—A. I can tell of four. I know of four in my limited experi that scratched the ticket.

Q. From the returns of the election did he run behind his ticket? Behind.

Q. How many?—A. About 100 or more.

Q. In a vote of how many?—A. I think the total vote was somet over 7,000 for both parties; I don't remember the exact number.

Q. How do you know that at some precincts the Republican tickets were not received?—A. The parties who were Republican managers me so, or Republican rallyers told me so, and the county chairman me so. Duncan told me that tickets had not been received in the part of the county. It was the last precinct in the county. I thi was two precincts, Garvins, and also at Branchville. The party had the bundle of tickets gave out Democratic tickets.

Q. You mean to say that there were no Republican tickets at Branchville?—A. They did not get there until late in the day.

Q. Were there any Republican tickets there?—A. I was tol tickets never got there.

Q. Who was it that told you that the tickets were not receiv

these two precincts?—A. Duncan, the county chairman, as you claim him to be.

Q. How did you derive your knowledge that at some of the precincts the Republican raliers voted the Democratic ticket?—A. Duncan told me so. Mellet told me also; he was an extremely violent Republican, and was so on the day of election, but he told me that he voted the Democratic ticket.

Q. You say that you heard Mellet say that he voted the Democratic ticket?—A. Yes, sir; I say so.

Q. Do you remember his first name?—A. I don't know what his name is. I know him very well; he carries the whole town here. I have seen him as a ralier several times, and he has been very troublesome.

Q. When was it that Mellet told you so?—A. Soon after the election, the day after, when we were counting the votes; he didn't address it to me; he said it in my presence.

Q. Who was he talking to?—A. To parties around there—several persons heard him.

Q. How many colored men did you say told you at Lewisville, previous to the election, that they were going to vote the Democratic ticket?—A. I said quite a large number. I would be in bounds when I say about 100. Quite a number told me so since the election.

Q. Did any of the men that voted the Democratic ticket tell you so?—A. Some did, and some we knew. If I had taken their statements, that would have increased the number.

Q. If you believed all that was told you in regard to colored men voting the Democratic ticket at Lewisville, would there have been any colored men left to vote the Republican ticket?—A. A very good sprinkling; there was about 800 colored men there; it would still leave about 600 to vote it.

Q. Have you ever heard of any colored man being waylaid by colored men, and their stock killed, and their houses burnt because he had voted the Democratic ticket?—A. I never heard of all those calamities befallen one at a time, but I have heard of instances of each kind.

Q. Give us the name of a man that was waylaid for voting the Democratic ticket?—A. A man named Sasportas; he has complained to the authorities several times.

Q. Simply because he voted the Democratic ticket?—A. Yes, sir; simply for that.

Q. Can you name other instances besides Sasportas's?—A. Yes, sir; I raised a man by the name of Daniel—they have waylaid him, and there was a man near Lewisville that had his house burnt.

Q. Are there any others?—A. There are several of them.

Q. Can you give me an instance of any colored man having his stock killed by voting the Democratic ticket?—A. Yes, sir; I have contributed money myself for men to buy back their stock that was killed on account of their voting the Democratic ticket. A minister in this place for simply abstaining from politics, he was expelled from the church, and that not from politics, but simply for being inactive.

Q. Give the name of any colored man, who you know to have been expelled from his church for having voted the Democratic ticket?—A. I don't know that I can recall any names. I have had numbers to complain to me about it.

Q. Did all of these things occur at the last election?—A. Yes, sir.

Q. The election of 1878?—A. Yes, sir.

Q. Were not the Democratic state authorities fully able to protect any colored man that desired to vote the Democratic ticket?—A. They

were fully able, but they were afraid of using any force, as it might used against them; we could have prevented the meeting in Orangeburg but we did not want that kind of thing.

Q. How could you have prevented the meeting in Orangeburg?—A. We had soldiers enough here to run them into the swamps.

Q. Why didn't you do so?—A. Because we didn't think it right. Secondly, because such force would have brought the vengeance of government against us.

Q. Why was it necessary for the Democratic party to keep their men from doing this act?—A. Because they were laboring under great wrath and the young men were very much enraged. It was currently reported at your speech you advised colored men to burn the houses of those that voted the Democratic ticket.

Q. Who was it that gave you the information that Mr. Mackay advised the negroes to burn out any of their own race who voted Democratic ticket?—A. I heard it said openly between negroes in discussion of politics, and I heard it on the streets of Orangeburg the same way. It was talked over the county by both whites and blacks that was the reason we had this care; there was a feeling of indignation among the young men. They have been assaulted in my own presence in more than one instance I had to rescue men from out of the clutches of men of their own color.

Q. When the Republican party held their meeting in Orangeburg a few days before the election was there any proposition or suggestion on the part of any Democrat to break up that meeting?—A. The young men advised and suggested to the executive committee, but they were foolish to go there in any numbers that would provoke any such difficulty. There was an advertisement for the inspection of the militia a week ago and it appeared to the executive committee that the meeting was calculated to provoke a difficulty, and that was the reason we used precaution and extra persuasion to avoid any such difficulty.

Q. The Democrats of this county were then, in the last campaign very bitter in their opposition to the Republican ticket?—A. They were very determined to defeat that party, if possible. There were certain party leaders that they were vindictive against, and we had more personal solicitations with men than I ever saw.

Q. Greater than 1876?—A. Yes, sir; much greater.

Q. Were the Democrats of Orangeburg County prepared to go to the extent to elect their ticket and defeat the Republicans?—A. We were prepared to spend our money and go as far as possible to elect our ticket. If such was the case it was never indicated to me. I presume if they had such designs they kept them to themselves. Our policy was one of extreme conciliation from the beginning. The executive committee was unanimous in the beginning in that course, and, as far as their influence went, it was all exercised in that direction.

Q. You said that you had not heard since the election a single expression of dissatisfaction among the colored people in regard to the result of the election?—A. I have heard universally, as far as I talked with them, an expression of satisfaction and relief. Many of them said to me they were glad to see it turned out this way, and that they were satisfied with the way things were. I had heard numbers express doubts as to the fairness of the election. I heard them laugh about the little tissue ball they did it in good temper. As far as I talked with them on the subject, they don't appear disposed to talk much about it.

Q. Previous to the last election did you ever see tissue tickets used in a general election?—A. Never did.

Q. When was it that you first saw the tissue tickets?—A. Some few days previous to the election, I think.

Q. Were they sent to the Democratic executive committee of this county?—A. I don't know that.

Q. Where did you get them?—A. I found them enclosed in the boxes, some of which were in De Treville's office.

Q. You cannot tell where they came from?—A. I do not know. I expect they growed, as Poe says.

Q. You say they were found in the ballot boxes?—A. I found them there.

Q. In whose office?—A. In the office of Mr. De Treville; but they were unlocked.

Q. Mr. De Treville was the other commissioner of election?—A. I don't think he knew anything about the ballots; he didn't give out any.

Q. Had they been print'd at the request of your executive committee?—A. I am sure they were not. I was present at every meeting of the executive committee before the election, and I know those tickets were not got by the Democratic executive committee or paid for by them.

Q. Or by their advice?—A. No, I am satisfied not a member of the executive committee knew of their existence until they got here.

Q. Do you know how they got into those boxes?—A. I do not know more than I know how they got into the boxes the day of election—they have a way of getting into the boxes.

Q. Did the managers of election throughout the county make any report to the commissioners of elections whenever the ballots in the box largely exceeded the number on the poll-list?—A. No such report reached us; they had their instructions, and the law provides what they shall do, and they did it, as far as I know. As far as the commissioners were concerned, they knew nothing about it; officially they canvassed the votes; when they came here there were tissue ballots in the boxes—when they came here to us, for canvass.

In reply, by M. P. O'CONNOR, contestee:

Q. You say you knew the result of the election before you ascertained the irregularity in the return from Corbettsville and Fort Motte?

(Objected to by contestant as not in reply.)

A. I had reports, as a member of the executive committee, of what the vote was.

Q. And you say the rejection of those two boxes did not in any manner affect the result?—A. No, sir; not in the least.

Q. Did the rejection of those two boxes make any difference?—A. About one or so. We made a rule that when boxes came with those irregularities that they would be rejected.

Q. And you are positive that the Fort Motte box had a Republican majority of 94, and the Corbettsville box a Democratic majority of 95 votes?—A. Yes, sir.

Q. Was Mr. De Treville a member of the Democratic executive committee?—A. No, sir.

Q. Did Mr. D. Treville hold any office other than commissioner of election?—A. Never has, nor never did, as far as I know of; he was acting as solicitor upon the suggestion of some attorneys, but never was elected.

Q. Were there any United States deputy marshals there?—A. Yes, sir; three, wearing their badges, at Lewisville.

Q. Were they Republicans?—A. Yes, sir; they claimed to be.

Questions by E. W. M. MACKEY, contestant:

Q. Did those deputy marshals at Lewisville interfere in any way with

the election?—A. They did not; they witnessed the election, but no complaint of misconduct, or made no attempt to interfere.

Q. Were not there a number of State constables also present at isville?—A. Yes, sir.

Q. How many?—A. Ten or twelve; perhaps not so many, may but there was a number.

Q. Was there not an armed club also present?—A. There was n

Q. Was there not a house near the precinct in which there were?—A. Yes, sir, there was a house near by the polling precinct in there were guns. The reason why the guns were in that house that there were guns under another house. From information rec that there were guns under that house was the cause of those being there. We had it reported to us that there were armed ne around that poll.

Q. How far was the house in which those guns were placed?—A. yards.

Q. About how many guns?—A. A dozen.

Q. To whom did they belong?—A. To members the Democratic and other parties.

Q. You said that they were brought there because of inform received?—A. From information received that armed negroes we ing around, some distance from the poll.

Q. Did you go there, to see if they were there?—A. No, sir. not, but I heard several hundred gans fired off while going home night. Close by is a negro cabin; we were informed that guns under that house, and in passing that night I saw negroes com there with guns, and I saw some take them from under there, a was for that reason that those guns were in that house, as a mat precaution; they never were displayed, they were kept in the upper of the house, and were kept simply as a protection against assaul

Q. Were not these guns in the same house from which the demic tickets were distributed?—A. They were, but they were up t The Democratic headquarters were in the lower story.

Q. Did not most of the Democratic voters go to that house fo purpose of getting their tickets?—A. They did.

Q. And from there go to the polling precinct?—A. Yes, sir, the I eratic voters staid there nearly all day; the object was, that it wa and the fire was there, and for the purpose of preventing an as And as a member of the Democratic executive committee I urged upon them. I would state that the common reason for taking arms there was that in the Hampton election of 1876, that three c members of the Democratic club who staid there to witness the c those few who staid there until late at night, quite a number of were left scattered on the ground that the Republicans had coll that evening for the purpose of assaulting those men who had rem there, they having heard of some rumor of disturbing the count.

Questions by M. P. O'CONNOR, contestee:

Q. Did you not on this night when returning home see quite a ber of negroes?—A. I said before that I heard several hundred charged, and saw many armed negroes.

Q. These 12 guns that were placed in the building where the I crats had their headquarters were placed the consequence of infi tion brought to you that an assault might be made upon the Democ

(Objected to by contestant as leading.)

A. I have said that already.

Deposition of A. I. Horger.

ORANGEBURGH, So. Ca., October 24th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County :

A. I. HORGER (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee.

Question. State your age, residence, and occupation.—Answer. 42; occupation, physician and farmer; residence, Orangeburg County.

Q. Lived all your life in Orangeburg County?—A. Yes, sir.

Q. What part did you take in the election of 1878?—A. I was a manager.

Q. At what poll?—A. At Jamison's.

Q. Who were your associates?—A. J. H. Able and George Avinger.

Q. Who was the Republican supervisor?—A. Aiken, I think.

Q. A Republican?—Yes, sir.

Q. A prominent politician?—A. I don't know.

Q. Who was the Democratic supervisor?—A. S. D. Dantyler.

Q. Any United States deputy marshals there?—A. Yes, sir.

Q. How many?—A. I don't know.

Q. All Republicans?—A. I think so.

Q. How did they behave themselves?—A. Very well as far as I know.

Q. Did they act as partisans?—A. Yes, sir.

Q. Was the poll opened precisely at 6 o'clock?—A. Yes, sir.

Q. In the morning?—A. Yes, sir.

Q. And closed punctually at 6 o'clock in the evening?—A. Yes, sir.

Q. Was the ballot-box exposed?—A. Yes, sir; opened and knocked out and nothing was in it.

Q. Was the Republican supervisor present when this was done?—A. Yes, sir; I met him and he went up with me.

Q. Was the election carried out fairly at this poll?—A. I went by the laws as furnished me.

Q. Were the Democrats active at that poll?—A. Yes, sir; as far as I could judge.

Q. Is that a Democratic or Republican poll?—A. Republican.

Q. How much did it go Republican in 1876?—A. I don't recollect.

Q. It went Republican in 1878?—A. No, sir; Democratic.

Q. You mean it had been Republican in 1876?—A. Yes, sir.

Q. Were not the Democrats thoroughly aroused for victory in the campaign of 1878?—A. Yes, sir; from demonstrations made.

Q. Did the Republicans make any campaign at all?—A. Their efforts seemed to be feeble to me.

Q. Was not the campaign on the part of the Democrats a rousing campaign?—A. More so than any other.

Q. Were you present at the meeting out on the hill?—A. Yes, sir; in the old field.

Q. Was not it the largest you ever saw in this county?—A. It was.

Q. Did any of the colored people vote the Democratic ticket at Jamison's that you know of?—A. Yes, sir.

Q. How many?—A. I cannot say.

Q. Were the ballots voted folded or open?—A. They brought them up folded. Those men took them off the table and voted.

Q. Did you hear any say they had voted or were going to vote Democratic ticket?—A. I cannot say I did.

Q. Did you hear any numbers say that they would vote it?—A. Yes, sir; I heard some say they would vote the Democratic ticket.

Q. Did the colored act as if they were in any trepidation about voting the Democratic ticket?—A. I should think so from what I saw.

Q. Did you remain there during the whole day?—A. Yes, sir.

Q. Did the Republican supervisor keep a poll-list?—A. Yes, sir.

Q. Did he at any time during the day lodge a complaint or file a protest as to the conduct of the election?—A. No, sir.

Q. When the polls closed, did you proceed at once to count the lots?—A. Yes, sir.

Q. Did you remain to see the count?—A. Yes, sir.

Q. Was it managed fairly?—A. Yes, sir; to the best of my knowledge.

Q. Was there any excess?—A. Yes, sir.

Q. How many?—A. I cannot say.

Q. Were they drawn out fairly?—A. Yes, sir; I was blindfolded. We counted the votes first, and drew out the excess and threw them into the fire.

Q. What proportion of Republican and Democratic ballots were drawn out?—A. I cannot tell.

Q. They were destroyed as soon as drawn out?—A. Yes, sir.

Q. Did the Republican supervisor lodge any complaint or file protest as to the fairness of the election?—A. No, sir. After the votes were counted the supervisor refused to sign the certificate. There was a window broken on the piazza, and some outsider hollered to him to sign the certificate, and he replied that he knew about his business. Then he said he would not sign it. Up to that time I never attended more quiet election since the war.

Q. You know anything else bearing upon the election that I have asked you about?—A. No, sir.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Were not all three of the managers at your poll Democrats?—I think so.

Q. For whom did you vote for Congress?—A. O'Connor.

Q. Do you know for whom the other managers voted?—A. I suppose they voted the same as I did; they took their votes up from the table the same as I did, and voted it.

Q. Were any State constables present?—A. Yes, sir.

Q. If so, how many?—A. I don't recollect.

Q. I don't want you to be positive about the number.—A. There were more than two, I think.

Q. There may have been more?—A. Yes, sir.

Q. You said that the deputy marshals acted as partisans; will you please explain what you mean?—A. They seemed to use their influence with the colored people to vote the Republican ticket.

Q. How many colored people did you see vote the Democratic ticket?—A. To the best of my knowledge, there were two that I saw vote it.

Q. How many of the colored people told you previous to the election that they would vote the Democratic ticket?—A. I cannot tell you; they would have business with them sometimes, and they would come talking politics, and they would say to me they were going to vote for us, the Democrats; I didn't put any confidence in it.

Q. Did you not see some of those same people that told you so vote the Republican ticket on the day of election?—A. I could not tell you; they would step up and take a ticket and vote, and go off. There were also boys there with tickets, and they would take a ticket from them and vote, and go off.

Q. Were the Democrats as active in that section in the election of 1878 as they had been in the previous election in 1876?—A. The day of election—I can recollect but little about it; I was just able to get to the poll.

Q. Don't you know that fewer white men voted at that poll at the last election than at the election of 1876?—A. No, sir; I do not know.

Q. At that poll, do the whites or colored predominate?—A. Colored.

Q. Large?—A. Yes, sir.

Q. Are not the colored voters near to four to one in excess of the white voters?—A. I think there is; you mean at that precinct?

Q. Yes.—A. Yes.

Q. At the Democratic meeting which was held at Orangeburg, about which you were questioned, how many people do you suppose were present?—A. I think I said I didn't know.

Q. Do you think three or four thousand were present?—A. I don't know. I was taken sick on that day, and left early in the day. I went down to the old field, but the people had not all gathered when I left there.

Q. Did not the number of ballots in the box exceed the number of names on the poll-list by 145?—A. It was a good deal, but I don't recollect the number.

Q. Was it not over 100?—A. To the best of my knowledge, I think it was.

Q. Were any small Democratic tissue tickets found in the box?—A. Yes, sir.

Q. When did you first see these Democratic tissue tickets?—A. When I opened the box.

Q. You saw them then for the first time?—A. Yes, sir; the first time.

Q. Were they folded or unfolded, those that you saw?—A. As well as I remember they were in the box, some might have been folded and some not.

Q. Were any found folded inside of other tickets?—A. It appears to me there were two or three that were rolled up. One was a Democratic ticket and it had tissue tickets folded in it, lying in the fold, and then there was a Republican ticket that had tissue tickets in it.

Q. Democratic tissue tickets?—A. Yes, sir; and it also had Republican tickets in it. It was three of them together put in; they were folded in such a manner, they were wrapped like.

Q. These were the only two tickets found folded together in that way?—A. Yes, sir; the other tickets would get into the larger tickets in mixing them up.

Q. In taking the large ticket out would not the small tickets fall out of them?—A. Yes, sir; some were very small, and some just doubled. In taking them out these little ones would get into the folds of the other tickets.

Q. In such cases were they all counted?—A. No, sir; when we found them in that way we destroyed them.

Q. Was that in addition to the number that was destroyed in excess?—

A. They were in addition to the number that were destroyed, and not counted in that excess, these two that I told you about; they were destroyed in that way.

Q. When the managers ascertained that the number of tickets were largely in excess of the number of persons that had voted, did they express any surprise?—A. Yes, sir; I, for one, was surprised.

Q. Did they express any opinion as to how they had got into the box?—A. No, sir; not at that time; afterwards I heard them say how they supposed they got in.

Q. I mean at that time.—A. No, sir.

Q. Were any persons arrested at your poll on the day of election? A. I don't think.

Q. Was not one of the candidates on the Republican ticket arrested? A. There was a difficulty, but I didn't hear it. I heard the noise, I didn't see it; the difficulty occurred between Mr. Walker and Mr. Thurber, but I didn't see anything of it.

Q. Was not Mr. Arthur arrested by the State constables?—A. He was; under arrest all day; and in the evening, when I was counting votes, he was sitting by me.

Q. Was he not arrested afterwards by the State authorities?—A. It appears to me he was.

Q. But you know nothing of the difficulty?—A. No, sir; not the difficulty that transpired out on the piazza.

Q. Previous to the last election, had you ever seen tissue ballots used at a general election in Orangeburg?—A. No, sir.

Q. Which one of the managers came to Orangeburg Court-House to obtain the ballot-box and tickets from the commissioners?—A. M. Able.

Deposition of H. Davis, jr.

ORANGEBURG, SO. CA., October 24th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County:

H. DAVIS, jr. (white), a witness of legal age, produced by contestants upon due notice to contestant, deposes as follows in reference to question propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am twenty years of age; residence, St. Matthews Post-office; I am engaged in the turpentine business.

Q. What part did you take in the election of 1878?—A. I was a manager at Lewisville at the last general election.

Q. Was the election conducted fairly and squarely?—A. According to the law that was before me.

Q. You acted in accordance with the law?—A. Yes, sir.

Q. No qualified voter was denied the right to vote at your poll?—A. No, sir; no qualified voter was denied.

Q. Did anybody interfere with you—the United States marshal or anybody?—A. No, sir.

Q. You have heard what Dr. Bates, the United States supervisor of that poll, has said; you corroborate so much as you heard?—A. Yes, sir.

Q. Fully?—A. Yes, sir.

Q. Was the election conducted fairly?—A. According to the law before me.

Q. Was there an excess in the box?—A. There was.

Q. How many?—A. I don't remember; but there was an excess of votes in the box over the names on the poll-list.

Q. Was the excess drawn out fairly?—A. According to the law before me.

Q. Was the proportion drawn out equally?—A. I cannot say that; there was some proportion, but I cannot say positively what it was; they were drawn out and handed to me.

Q. Did the drawer of the votes draw them out rapidly?—A. He drew them out one by one, and I held them up to the witnesses who were admitted, and we destroyed them afterwards.

Q. Were the Democrats very active at that poll?—A. Yes, sir; I noticed the Democrats doing all they could to carry the election for their side; that is, as far as I could see as manager from the box.

Q. Did you send in your returns of the count?—A. Yes, sir; I brought them in.

Q. Did anybody lodge any complaint as to the fairness of the election?—A. I never heard anything.

Q. Was all the officers satisfied that everything was conducted fairly?—A. They were signed by all the managers and the supervisor is well.

Q. Did the Republican supervisor or anybody else, from the time of the commencement of voting to the close of the election, protest against the fairness of the election?—A. No, sir. On the contrary, I asked him if he was satisfied; he said yes he was satisfied everything was carried on according to law. I don't think he left the poll at all during the day.

Cross-examination by E. W. M. MACKEY, contestant:

Q. What induced you to ask the Republican supervisor if he thought that the election had been conducted fairly?—A. We had the law before us on the table, and merely to satisfy myself I asked him if he thought it was done fairly; he replied that it was.

Q. Had you any idea that the fairness of the election would be questioned?—A. No, sir. At the time I didn't see how it could be questioned.

Q. Did I understand you to say that the Republican supervisor signed our return after election?—A. When we had arrived at the total vote submitted the returns to the supervisor of election, who signed the returns as correct.

Q. Was there any law of the State, or any instruction under which you were acting, which made it necessary for the supervisor to attest our returns?—A. I am not able to say. I mean to say, the supervisor, according to our aggregate of the vote, that that was a correct return of the votes—I mean to say that his signature was to the whole count as we agreed was the vote of the precinct.

Q. You testified that no qualified voter was denied the right to vote; do you mean to say that the vote of no person was rejected at that poll?—A. I don't think that we rejected a single voter that day; there were some challenged voters.

Q. But none rejected?—A. We rejected no voter who was qualified to vote; we did not prohibit him from voting.

Q. About how many of them were challenged?—A. I think about twelve challenged.

Q. In all these cases where they were challenged, did you allow them to vote afterwards?—A. Yes, sir.

Q. By whom were the challenges made?—A. A good many by Democratic supervisor of election, and some by other parties, I think.

Q. Were not some of the challenges made by the managers of the election?—A. I don't remember one single challenge being made by the managers.

Q. When the tickets were drawn out of the box, did I understand you to say they were held up before being destroyed?—A. When the tickets in excess were drawn out of the box—yes, sir.

Q. Which one of the managers came to Orangeburg to the commissioners election for the ballot-box?—A. I did.

Q. When the ballot-box was delivered to you, did you not receive package of Democratic tissue tickets the same time?—A. No, sir.

Q. Were any of these tissue tickets in the box when you received it?—A. You mean from the commissioners?

Q. Yes.—A. No, sir.

Q. Were there any kind of tickets in the box when you received it?—A. I was handed a package of large Democratic tickets to carry up to our poll.

Q. Were you not handed tissue tickets at the same time?—A. No, sir.

Q. When was the first time you saw tissue tickets?—A. I saw some voted at Lewisville.

Q. On the day of election?—A. Yes, sir.

Q. That was the first time you saw them?—A. Yes, sir. I saw some of those small tickets voted, and, after seeing them in the box, I took them to be the same.

Q. How many did you see voted during the day?—A. I saw three that I took to be the tissue tickets; those three I took particular notice of as being the tissue tickets.

Q. When you saw them being voted, did it attract your attention?—A. I noticed the ballot had been smaller than I had seen.

Q. Was not all three of the managers at that poll Democrats?—A. They passed as such.

Q. For whom did you vote?—A. For M. P. O'Connor for Congress.

Q. Do you know for whom the other managers voted?—A. I do not know.

Q. Did you see them vote?—A. I saw one vote what seemed to be a large ticket, but the Republican and Democratic tickets were about the same size, and I did not see the names on the tickets.

Q. Did he tell you for whom he voted?—A. No, sir.

Q. Have you any doubts about the other two managers voting for Mr. O'Connor for Congress?—A. I believe they voted for him.

Deposition of W. T. C. Bates.

ORANGEBURG, So. Ca., October 24th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Orangeburg County:

W. T. C. BATES (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am

31 years of age, and have been until this year practicing physician; I am now planting.

Q. Raised in Orangeburg County?—A. Yes, sir; and always have been here.

Q. Did you take any part, officially, in the election of 1878?—A. Yes, sir; I was supervisor at the Lewisville poll.

Q. Who was the Republican supervisor?—A. Luther Williams, a colored man.

Q. Was the Republican supervisor a prominent politician?—A. Rather; he was a young man, and had been engaged in school-teaching; he was something of a politician.

Q. Was the poll opened punctually at 6 o'clock in the morning?—A. Yes, sir.

Q. And closed at 6 o'clock in the evening?—A. Yes, sir.

Q. Was the box exposed before the reception of the votes?—A. Yes, sir; it was turned upside down and exposed.

Q. Were any United States marshals present?—A. Yes, sir.

Q. How many?—A. I am certain of two. I can give the name of two; there may have been one more.

Q. Did they interfere with your duties at all?—A. No, sir.

Q. They were Republicans?—A. Yes, sir.

Q. Did they interfere with the Republican colored people?—A. Not that I am aware of on that day.

Q. Were they colored men?—A. Yes, sir.

Q. Did they take any part in working for the election of the Republican ticket from what you saw and know?—A. They were active Republicans on that day. I don't know whether they handled tickets or not.

Q. Did they circulate among the people of their own race?—A. Yes, sir; they were Republican politicians.

Q. Were there any Democratic United States marshals there?—A. No, sir.

Q. Was any one denied the right to vote that was qualified the right to vote?—A. No, sir; there was a sort of challenge by the managers of parties being under age, but no one was denied the right to vote.

Q. Was the election conducted fairly and impartially?—A. It was a very quiet election; I did not hear of any illegal voting being done.

Q. Was any complaint or protest filed with you?—A. None whatever. There were a large number of persons present from the opening of the polls until the ballots were counted, and they all went away perfectly satisfied.

Q. Was this a Democratic poll?—A. It had been a Republican poll in 1876. In an election for probate judge, between the campaign of 1876 and 1878, if I am not mistaken, it gave a Democratic majority in the contest between Mr. Glover and Dr. Hydrick.

Q. Were you present at the poll all day?—A. Yes, sir; I was there before it opened, and didn't leave until after the ballots were counted and the returns signed.

Q. Did you remain there until after the votes were all counted and the canvass completed by the managers?—A. Yes, sir.

Q. Was that conducted fairly?—A. Yes, sir; perfectly so.

Q. Did your co-supervisor join you in making a report to the chief supervisor?—A. Yes, sir; he had a blank to make out and so did I. I signed his and he mine.

Q. When you were exchanging signatures, did he allege there had been any unfair play?—A. Not a word.

Q. Was there any excess of votes in the ballot-box over the
—A. Yes, sir.

Q. Did the managers keep a poll-list, and the Republican s
keep a poll-list?—A. Both.

Q. Did those two poll-lists correspond?—A. I think they did.

Q. What was the excess of vote in the ballot-box over the
the poll-list?—A. I cannot remember the exact number at this

Q. There was an excess, though?—A. Yes, sir.

Q. What was done with the excess?—A. It was drawn out.

Q. The votes were put back and you drew the excess out?—A.

Q. Was the excess drawn out fairly?—A. I think it was d
perfectly fair. I think the man that drew the ballots was blind
his head was turned from the box.

Q. He could not see?—A. No, sir; I will state in this conn
order to satisfy all persons, it was agreed between myself and th
licans supervisor that three Republicans and three Democrats w
admitted into the hall to witness the count; that was done; th
licans outside selected three men to represent them; the wind
doors were opened so as to make the matter as public as possi
as all were not allowed inside, three from each side were allowe

Q. Did you observe the ballots drawn out?—A. Yes, sir.

Q. What proportion were Republicans and what proportio
crats?—A. I couldn't tell exactly, but I think the proportion
equal.

Q. What was done with the votes in excess?—A. As soon
were taken from the box they were torn in pieces.

Q. Destroyed?—A. Yes, sir.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Who were the managers of election at Lewisville?—
Davis, jun'r, E. W. Arthur, and W. C. Clark, according to my
tion.

Q. Were they Democrats or Republicans?—A. I think th
Democrats.

Q. All three of them?—A. Yes, sir.

Q. On behalf of what party were you appointed supervisor?
behalf of the Democratic party.

Q. Have you ever taken any part in politics?—A. Yes, sir
taken some part in politics.

Q. Have you always been active in the interest of the De
party?—A. Active to a certain extent since I have been old e
vote. I have never been a very leading man, or strong man, I
taking a very active part.

Q. Was Williams, the Republican supervisor, any more acti
interest of the Republican party than you were in the intere
Democratic party?—A. I am unable to say whether he was or

Q. Williams, you say, was a young man?—A. Yes, sir.

Q. And a school-teacher?—A. I think he had been engaged
ing school.

Q. Did the deputy marshals, who you saw, interfere in any
the voters, or attempt to influence the voters in any way?—A. I do
they interfered with the voters, but to the extent of their ab
used their influence on the Republican side.

Q. In what way?—A. By counsel, and by advice, in a quiet

Q. Did you see them going around and soliciting voters?—
see them going around among the men, and I inferred that
motive.

Q. But can you swear that they were soliciting voters?—A. I would swear it, but I believe it. I heard it said in regard to these Republican deputy marshals, a copy of the Charleston paper was received, and here was a decision in it by Judge Mackey that the appointment of these deputy marshals outside of a city of 20,000 inhabitants was illegal; that decision was read to these deputy marshals, and I think that decision had something to do with their quiet behavior during the day. I think if it had not been for that decision they would have been much more active than they were. I can state further, I can give you the name of the party, James Rickenbacker came to me and told me that he had been informed that he had no authority there, and said that he saw this decision, and asked my opinion. I told him my opinion was he had no authority there, but he could look on like any other citizen, but that he could not make any resistance.

Q. Did he attempt to make any?—A. None that I know of.

Q. Did not the fact of this information in the News and Courier tend to make those deputy marshals refrain from exercising any authority whatever?—A. Perhaps that did, but I don't know of any occasion arising for them to exercise any authority.

Q. Were there any State constables present?—A. Yes, sir.

Q. About how many?—A. My recollection is that there were four; there may have been more.

Q. What was the amount of excessive votes over the poll-list?—A. I could not give the exact number, but there was a considerable number.

Q. Was it not over several hundred?—A. I cannot say that, but there was a great many.

Q. When the managers ascertained that the number of ballots in the box exceeded the number of names on the poll-list, did they express any surprise?—A. I think they did.

Q. Were any of the small Democratic tissue tickets found in the ballot-box at your poll?—A. Yes, sir.

Q. When did you first see the small Democratic tickets?—A. I saw them on the day of election; some were voted openly.

Q. Did you see many of them vote it?—A. Not a great many.

Q. About how many did you see voted on the day of election?—A. I don't know that I could say. I saw more than two or three voted.

Q. Was not the certificate which was signed by yourself and Williams, the Republican supervisor, simply a statement of the whole number of votes cast, and the number cast for each candidate for Congress, according to the count as made by the managers?—A. Yes, sir; we reported the result as made by the managers in our presence.

Q. The count was made by the managers, and your certificate was based upon that count, was it not?—A. We took part in the count. I think Williams and myself kept the tally while they were counting. I don't recollect the exact count, but I think it was such and such, the candidates for Congress receiving such an amount of votes.

Q. You testified that in 1877 that your poll gave a Democratic majority; was not the contest then simply for the office of probate judge, between two Democratic candidates?—A. It was in the contest for probate judge, but as to their both being Democrats I cannot say they were; he was nominated by the Republicans.

Q. Was he not a Democrat, however?—A. I cannot say he was. It is a party issue, the Republicans on one side represented by Dr. Hydrick, and the Democrats by Mr. Glover.

Q. You cannot say, however, positively, whether or not Lewisville gave a majority to Mr. Hydrick over Mr. Glover?—A. I don't remember; there

had been an election a short time before for a member of the legislature—Straker ran; my recollection is that there was a small majority for Straker; at the probate judge's election my recollection is that there was a Democratic majority, but a small one; but I am not certain.

Q. Can you give the names of the three men selected by the Republicans to witness the count?—A. C. W. Caldwell, who was at the time a member of the legislature; E. J. Hull, and Edward Fritz.

In reply by Mr. P. O'CONNOR, contestee:

Q. You don't pretend to say that you could tell every man that voted a tissue ballot; could it not be voted so that you could not tell what they were voting?—A. I could not pretend to say that I noticed the size of every vote that was put in the ballot-box.

Q. Don't you know that any number of men could vote the tissue ballot, folded up, without you seeing it going in the hole?—A. Yes, sir.

STATE OF SOUTH CAROLINA,
Orangeburgh County:

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee.

FRIDAY, October 24th, 1879.

Court met pursuant to adjournment at the court-house, Orangeburg, in State and county aforesaid.

Present, M. P. O'Connor, contestee, and his counsel, Geo. R. Walker, also, E. W. M. Mackey, contestant.

The following witnesses were examined, viz: Thos. W. Oliver, S. K. Howe, F. M. Wannamaker, A. J. Horger, Henry Davis, W. T. C. Bates.

[SEAL.]

J. L. HEIDTMAN,
Notary Public, S. C.

Deposition of W. L. Wolfe.

ORANGEBURG, SO. CA., October 25th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County:

W. L. WOLFE (white), a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. 45; residence, Orangeburg.

Q. You have been principally farming?—A. I have farmed, but I work at machinery principally.

Q. In what official capacity did you act in the election of 1878?—A. I was manager at Rowesville poll.

Q. Who were your associate managers?—A. Dukes and Reeves.

Q. Who was the Republican supervisor?—A. Mayes.

Q. A black man?—A. Yes, sir.

Q. Were there any United States deputy marshals there?—A. None that I know of.

Q. Was the poll opened at 6 o'clock?—A. Yes, sir.

- Q. Was the box empty?—A. Yes, sir; it was exposed.
Q. Visible to everybody?—A. Yes, sir.
Q. Was the election conducted fairly and squarely?—A. As far as I know; I didn't hear any dissatisfaction expressed to the contrary by anybody.
Q. You were present at the poll the whole day?—A. A few minutes I would be absent.
Q. To relieve yourself?—A. Yes, sir.
Q. Any qualified voter denied the right to vote?—A. Not that I know of.
Q. How many kinds of tickets were used at that poll?—A. Two that I recollect.
Q. One Republican and one Democratic?—A. Yes, sir; printed on ordinary paper; no tissue tickets were used there.
Q. Were the two ballots very much alike, the Republican and Democratic ballots?—A. Yes, sir; very much the same.
Q. There were no tissue ballots at that poll?—A. I did not see any.
Q. Did any one lodge any complaint against the conduct of the election, or file any protest with you?—A. No, sir.
Q. Either on the day or after?—A. No, sir.
Q. Did the poll close at 6 o'clock?—A. Yes, sir.
Q. Was there any excess of votes?—A. Yes, sir.
Q. How many?—A. Seventy-five or 80.
Q. Did you draw the excess out?—A. Yes, sir.
Q. Could the drawer see what he drew out?—A. No, sir; he could not see.
Q. Could you see the votes drawn out?—A. I drew them out.
Q. Could you see them?—A. No, sir.
Q. Could you tell what was drawn out?—A. Out of curiosity, myself and Mr. Weston went in there and said, let us see who lost the most votes, and I found more Democratic headings than Republican headings.
Q. Was there more Democratic tickets drawn out than Republican tickets?—A. I cannot tell.
Q. How many of the 75 excessive votes were Democratic and how many you suppose were Republican?—A. I can't tell.
Q. Did you and Mr. Dukes and Mr. Weston come to any opinion about it?—A. No, sir. From the headings I judged and supposed they were about doubled.
Q. Are you sure they were double?—A. Yes, sir.
Q. You drew those votes yourself?—A. Yes, sir.
Q. Could you tell a Democratic vote from a Republican vote?—A. I could not.
Q. You drew them perfectly impartially?—A. Yes, sir.
Q. If there were more Republican votes than Democratic votes drawn, that was accidental?—A. Yes, sir.
Q. Did you draw the votes out of that box, that you drew, either by the feel or touch; could you distinguish a Republican vote from a Democratic vote?—A. No, sir; I could not tell the difference. I didn't stop to feel the difference; not with those that I drew myself.
Q. When counting the votes, did you find any stuffed ballots?—A. Yes, sir; one.
Q. That was a Republican vote?—A. Yes, sir.
Q. What did you do with it?—A. I counted one and threw the others out.
Q. That was the only one you saw?—A. Yes, sir, that is the only one I recollect.

Q. Did either the supervisor complain to you about the fairness of the drawing?—A. No, sir; no one.

Q. When you completed the drawing you made up your returns and forwarded it to the commissioners of election?—A. Yes, sir.

Q. Did any colored people vote the Democratic ticket at that poll?—A. I could not tell.

Q. Were the ballots voted folded or open?—A. I could not tell. I acted as clerk and registered their names.

Q. Were the Democrats active at that poll?—A. They were doing what they could.

Q. Do the white voters of Rowesville preponderate over the colored or black voters?—A. No, sir.

Q. There are more colored voters than white voters?—A. Yes, sir.

Q. What do you suppose is the difference?—A. About $\frac{1}{2}$.

Q. Colored?—A. Yes, sir.

Q. Has there been any change taken place in the disposition of the colored people since 1876 to vote the Democratic ticket?—A. I don't know anything about that. I never saw any more quiet election than the last. I was under the impression they would not vote at all, they were so quiet.

Q. Did the white vote turn out full?—A. Yes, sir.

Q. Were they around the poll all day?—A. They were about the streets.

Q. I mean about the streets?—A. Near around.

Q. You saw the entire election from the beginning of it to the end when the votes were counted, was it done perfectly fair and impartial?—A. As far as I was able to ascertain. I didn't hear any complaint; the supervisor had free access to the ballot-box.

Cross-examination by E. W. M. MACKEY, contestant:

Q. Were all three of the managers at Rowesville Democrats?—A. I don't know; they were not what I would call Simon-pure.

Q. Which one was not a Simon-pure Democrat?—A. Mr. Reeves is not what I would call one.

Q. Would you call him a Republican?—A. I heard him express himself on that side. I heard him say that he had supported a Republican ticket.

Q. On the day of election what ticket did he support?—A. I don't know.

Q. Was he pretending to be a Republican there?—A. No, sir; he was claiming to be a Democrat.

Q. In the last election he claimed to be a Democrat?—A. Yes, sir.

Q. For whom did you vote for Congress?—A. For O'Connor.

Q. Was one Republican ticket with three others in it the only tickets that you found folded together?—A. I think it was, as far as I recollect.

Q. All of the other tickets were single tickets?—A. Yes, sir; all was single. I don't recollect finding any more together.

Q. When the managers ascertained that there were more ballots in the box than persons who had voted, did they express any surprise or make any remarks?—A. Not that I know of.

Q. Did they make any inquiry as to how those 75 or 80 surplus votes got into the ballot-box?—A. Not to me they did not.

Q. Was there not a difference between the paper on which the Republican tickets were printed and the paper on which the Democratic ticket was printed?—A. Yes, sir.

Q. Was not the Democratic ticket printed on finer paper than the Republican ticket?—A. I think it was.

Q. Was not the Democratic tickets longer than the Republican tickets?—A. Yes, sir.

Q. After the election, did not the Republican supervisor remark to you that, owing to the difference between the two tickets, that any person could easily tell by feeling whether he had a Republican or Democratic ticket in his hand?—A. I think he did. That was the controversy that arose between him and me. He contended that he could do it. I told him that a man could not do it unless he stopped and felt them, and he knew that I didn't do that. I told him I did not see how he could think such a thing; from the place he was sitting he could see the box; we had the box on the table, and I was standing over the box where he was sitting.

Q. Did he not on the next day make a test of the matter in your presence?—A. I don't recollect seeing him the next day.

Q. Did he, at any time after the election, make a test of the matter in your presence?—A. I think he put some tickets in a hat—some two or three—and took out one.

Q. Did he not make a bet with you that he could put a number of Democratic and a number of Republican tickets in the box and then draw out whatever kinds he desired?—A. He proposed something of that kind.

Q. But did not he do it; did he not bet with you?—A. He did not make any bet with me.

Q. But didn't he put some tickets in a hat?—A. Yes, sir. As I said before, he put some two or three tickets in the hat and pulled one out.

Q. Next morning, when you returned to the polling precinct and picked up the tickets that were destroyed, about how many did you obtain?—A. I don't know. I had a good hat full of them.

Q. It was only your curiosity?—A. Yes, sir. I picked them up and was satisfied that I had a considerable more of the Democratic tickets than Republican tickets that were picked up. The room was closed up; the little furniture we had there was mine, and I remained to get it. Mr. Dukes and Weston was with me. I gathered up the tickets and had a good hat full of them. I found more Democratic tickets than had been destroyed than Republican tickets from the headings.

Q. Did you count the number of each kind you picked up?—A. I counted about 18 or 20.

Q. You picked up about 18 or 20?—A. I picked up more than that.

Q. Do you think you picked up 25 or 30?—A. I would not be surprised if I did not have twice thirty.

Q. And of the thirty that you picked up, you say a majority of them had Democratic headings?—A. Yes, sir; Democratic headings.

Q. You didn't, though, count how many were Democratic or Republican tickets?—A. No. I didn't make a special count of them.

Q. Were there not two kinds of Democratic tickets found in the box?—A. Not that I recollect. I don't recollect that there was but one kind.

Q. Are you positive that there were not two kinds of Democratic tickets both printed on large paper, but very nearly alike?—A. No, sir; I am not positive about that, because I don't recollect whether they were alike.

Q. Were any votes rejected at your poll?—A. Only one.

Q. On what ground?—A. On the ground that we called him a penitentiary bird; he had been convicted and sent to the penitentiary.

Q. Has he been pardoned?—A. He asked my opinion, and he said he had been, and I questioned him further whether he was pardoned out of the penitentiary, and he said no. He said that his punishment has been mitigated by the governor, and that he had been turned out before his time was up; he said further that he had voted the Democratic ticket; he was waiting on my opinion. I told him that Mr. O'Connor would get votes enough without the penitentiary convicts. The consequence was, that I advised him not to vote, no matter who he voted for.

Q. Was not the returns of the election which was signed by the two supervisors simply a statement of the whole number of votes cast, and the number cast for each candidate according to the count as made by the managers?—A. I think it was.

Q. Do not the colored voters in that section turn out in full force generally the same as the whites?—A. Yes, sir; they do.

Q. Both parties brought out then their full strength?—A. Yes, sir; their full strength.

In reply, by M. P. O'CONNOR, contestee:

Q. When you say that both parties brought out their full strength, do you mean that all the colored people voted the Republican ticket?

(Objected to by contestant as leading and as not in reply.)

A. By no means, because I heard them express themselves otherwise

Deposition of James Stokes.

ORANGEBURG, SO. CA., October 25, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Orangeburg County:

JAMES STOKES (white), a witness of legal age produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. Please state your age, residence, and occupation?—Answer. 55 years old, and reside $3\frac{1}{2}$ miles from Reevesville, in Orangeburg County.

Q. Raised in Orangeburg all your life?—A. No, sir. Born in Colleton County, and been in this district nearly 30 years.

Q. Occupation farmer?—A. Yes, sir.

Q. Did you take any official part in the election of 1878?—A. Yes, sir.

Q. In what capacity?—A. I was supervisor.

Q. At what poll?—A. Reevesville precinct.

Q. Who was the other supervisor?—A. A colored man named John May.

Q. Was he a leading politician—a prominent politician?—A. I think he mixed with them in every movement, from what he said to me.

Q. Was the poll opened punctually at 6 o'clock in the morning?—A. Yes, sir; it was.

Q. Was the box, before it was placed in position for the reception of ballots, exposed so that every one could see that nothing was in it?—A. Yes, sir; it was.

Q. Was the poll closed punctually at 6 o'clock in the evening?—A. Yes, sir.

Q. Were there any United States deputy marshals at that poll?—A. There was said to be.

Q. How many were there?—A. One, I understood.

Q. Was he a Republican?—A. He was. He was making some little talk outside; he wanted to use some authority there, and he was told there was no use; and the marshal of the town told him that his authority could supercede his.

Q. There was one person representing himself as a United States deputy marshal?—A. Yes, sir.

Q. And he was a Republican in politics?—A. Yes, sir; he was.

Q. Were you present at the polls throughout the whole day?—A. I was.

Q. Was the election conducted fairly and impartially, as far as you know?—A. Yes, sir.

Q. Did the Republican supervisor keep a poll-list?—A. He did.

Q. Did the managers have a clerk, and did he keep a poll-list?—A. Managers kept one themselves.

Q. Was any complaint lodged or any protest as to the regularity and ness of the election that day?—A. Not that I heard of.

Q. Were any persons denied the right of vote that day?—A. None I saw.

Q. Did the voters vote open or folded ballots as a general thing that day?—A. Folded ballots.

Q. Is that a Democratic or a Republican poll?—A. Republican.

Q. Was it Republican in this late election?—A. It was not.

Q. What do you mean by saying it was a Republican poll?—A. It been formerly.

Q. But went Democratic this election?—A. Yes, sir.

Q. Were the Democrats very active at that poll?—A. I judge they were very active, though I was not outside.

Q. Did many colored people vote the Democratic ticket at that poll?—I heard them say so.

Q. Did you see them do so?—A. I was told by the supervisor that there were a great many more colored people that would vote the Democratic ticket, who had never voted it before, than they had any idea would. This is the Republican supervisor that told me so, and it turned out nearly what he said; that was said to me in the room, when he and I was talking while the election was going on.

Objected to by contestant as hearsay.)

Q. From your experience of the colored people in Orangeburg and precinct, as you had lived there, would they not be inclined in voting Democratic ticket to vote it secretly, without making it known to sons of their own race, than vote it openly and pronouncedly?—A. They told me so.

Q. Have the colored people not been to a great extent under a species of awe of their own color in the Republican party when the question of polities was raised?—A. They have.

Q. If a colored man professed himself a Democrat, and voted the Democratic ticket openly, he had to do so under the protection of some other voter voting him, did he not?—A. They told me so.

Q. Had any intimidation been practiced by the colored men upon men of their own race who professed to act with the Democratic party and the Democratic ticket?—A. There had been.

Q. And for that reason you believe that those of them that did vote the Democratic ticket on that day voted it secretly?—A. Yes, sir. I have known them to go so far as to convince you they did vote the

Democratic ticket as to ask you to write your name on the back of it, to show that they would be true.

Q. They asked their Democratic friends to write their names on it so that it would come with the names of their Democratic friends on it!—A. Yes, sir.

Q. Did you observe a manifestation on the part of the colored people to vote the Democratic ticket in this election!—A. I did.

Q. To an extent you had not witnessed in other elections since reconstruction!—A. Yes, sir.

Q. Did you witness the count of these votes!—A. Yes, sir; I did.

Q. Was the election conducted fairly!—A. Yes, sir.

Q. Was there an excess of votes in the ballot-box over the names on the poll-list!—A. Yes, sir.

Q. What number!—A. I cannot recollect.

Q. When the excess was ascertained and the ballots put back into the box, did the managers draw the excess out!—A. Yes, sir; one did.

Q. Was the drawing fair!—A. Yes, sir.

Q. You are satisfied that the manager that did the drawing could not see!—A. No; he could not.

Q. Did you observe the tickets as they were drawn out!—A. I did not see them.

Q. Do you know the proportion of Republican and Democratic tickets drawn!—A. No, sir.

Q. What was done with the tickets!—A. They were destroyed. No person at all saw what was on the tickets drawn out.

Q. Was this a heavy poll!—A. No, sir.

Q. Small!—A. Yes, sir.

Q. You remember what was the total vote there!—A. I don't remember.

Q. Did the Republican supervisor unite with you in certify' the result at that poll!—A. I think he did. He made no objections anyway.

Q. When he joined you in the certificate to be forwarded to the chief supervisor he made no objections at all!—A. None that I heard of.

Q. You say that the election was conducted by the managers throughout the whole day, from the opening of the poll at 6 in the morning until the completion of the canvass of the votes, in a fair and impartial manner!—A. As far as I could see there was no objection made; as far as the managers of election were concerned, no objection at all.

Cross-examination by E. W. M. MACKEY, contestant:

Q. On behalf of what party were you appointed a supervisor!—A. The Democratic.

Q. For whom did you vote for Congress!—A. Mr. O'Connor.

Q. Who were the managers of election!—A. W. L. Wolfe, W. C. Reeves. I don't remember the name of the other manager.

Q. Were they Democrats or Republican!—A. The two I named were Democrats.

Q. Were you present at the poll during the whole day!—A. I was.

Q. How near to the ballot-box did you stand during the day!—A. I was sitting about 4 or 5 feet from the ballot-box.

Q. Did you remain in that position the whole day!—A. Not exactly in that position; I got up and walked about in the room.

Q. Did you leave the room any time during the day!—A. I did once, but the other supervisor was present. We did not leave the room together. He left once and left me there.

Q. Did the poll-list which was kept by the Republican supervisor correspond with the poll-list kept by the managers?—A. It did.

Q. The number of names on both tallied?—A. Yes, sir; several corrections were made at the time, but they all tallied.

Q. Do you know, of your own knowledge, of any colored man who voted the Democratic ticket?—A. No, sir; I had no chance of knowing.

Q. Did Mays tell you a great many had or would vote the Democratic ticket?—A. He told me they would.

Q. When was this told you?—A. When we were sitting in the room together.

Q. During the election?—A. Yes, sir.

Q. About what time of day?—A. It was between 10 o'clock in the morning and 4 o'clock in the afternoon.

Q. Did any colored people tell you that they preferred to vote the Democratic ticket secretly in preference to voting it openly?—A. They did.

Q. When did they tell you so?—A. Before the election.

Q. How many colored persons told you so?—A. I don't remember.

Q. Can you form any estimate of the number of colored persons that told you they would prefer to do so?—A. About a half dozen. There were two or three on my plantation that said that they would prefer not to go to the election at all, so as to not let the colored people know they were going to vote the Democratic ticket.

Q. Were the colored people in that section strong Republicans?—A. They had leaders that were said to be strong.

Q. Were the masses of the colored people strong Republicans in that section?—A. The masses didn't turn out.

Q. Were the majority of the colored people in that section Republicans?—A. They had been at previous elections, but they could not have been Republicans in this election. I don't think they were.

Q. If a majority were not Republicans, what did the colored men have to fear from each other in voting the Democratic ticket?—A. Outrage and secret injury to their persons.

Q. Then you mean to say that a minority ruled the majority, and made them vote as they pleased?—A. They did in that instance, but there are more negroes there than there are white persons.

Q. You testified that the colored people were in awe of their own race in voting the Democratic ticket?—A. Yes, sir.

Q. How did you ascertain that fact?—A. From their own lips.

Q. Before or after the election?—A. Before and after.

Q. About how many colored people told you that they were in awe of their race in voting the Democratic ticket?—A. I told you that there was a half dozen, I am satisfied, gave me that information. I can speak with certainty of about a half dozen that I spoke to.

Q. Had you any opportunity of knowing what were the sentiments of the masses of the colored people in your section?—A. Yes, sir.

Q. Could you then form an opinion from your intermingling with them, whether or not a majority of them were Republicans or Democrats in sentiment?—A. What do you mean by sentiment.

Q. In the expression of their opinion?—A. They are a set of people you can rely upon; as far as my opinion goes they would have been Democrats if they were let alone, I am satisfied of that.

Q. If a majority of them were Democrats, what did they have to fear in voting the Democratic ticket?—A. They had to fear those persons that was said to be hired to create this difficulty to prevent them from voting.

Q. Will you please explain what you mean by persons being or preventing them from voting the Democratic ticket?—A. The leaders in the neighborhood I was told that promised them that would get a certain number of votes, that is, if they would at election, they would be paid.

Q. Who gave you this information?—A. I got it from the people.

Q. Did they tell you the leaders were to be paid provided that a majority of votes at that precinct?—A. Yes, sir.

Q. Can you name any one that told you so?—A. No, sir; I can't name the persons particularly; it was a general thing that was there, and I didn't take any particular name.

Q. Was there any intimidation practiced at the last election ordered voters towards other colored voters who desired to vote the Democratic ticket?—A. I had no chance of seeing outside, only heard, and I don't suppose you want hearsay.

Q. You referred in your testimony of some intimidation that he practiced at previous elections towards colored men that had voted the Democratic ticket; what election do you refer to?—A. A general election.

Q. What election?—A. The election of 1876.

Q. Did any of that intimidation come within your knowledge, No, sir.

Q. Was it at the last election that certain colored men asked their names be endorsed on the back of their tickets, in order that Democratic friends might know that they had voted it?—A. It was.

Q. Were their names endorsed on the back of their ticket? I could not tell you, I was told it was, but I could not say whether or not.

Q. Have you never heard of any influence being exercised by persons in your neighbourhood towards colored men on their places to make them vote the Democratic ticket?—A. No, sir.

Q. Have you never heard of colored men being threatened with having their names turned off the places unless they voted the Democratic ticket?—A. No, sir.

Q. Do the planters generally treat colored men who vote the Republican ticket the same as men who vote the Democratic ticket?—A. I have been doing so.

Q. Make any difference between them?—A. I have not seen a difference.

Q. What kind of tickets were used and voted at your poll?—A. There were two kinds; one Republicans and one Democratic.

Q. Were there not two kinds of Democratic tickets in the box?—A. If there were I didn't see them.

Q. Were any tickets found in your ballot-box folded together, or one within the other?—A. I don't think there were two found together.

Q. Only two?—A. I think if I mistake not there were two or three.

Q. Was the excess of votes over the number of voters more than two or three?—A. Yes, sir.

Q. Can you form any estimate of what the excess was?—A. I take not, there was over thirty. I had a list of it, and if I had kept it I would have looked at it, but I loaned it out.

Q. Did the managers express any surprise in ascertaining that the number of votes exceeded the number of voters?—A. I don't remember that they did.

Q. You testified that the Democrats were very active at your

were they any more active than they were in 1876?—A. I don't think they were.

Q. As a matter of fact did not fewer white men vote at your poll than voted in the election of 1876?—A. I don't think they did; about the same number.

Q. Did not about the same number of colored people vote at the election of 1878 as voted at the election of 1876?—A. About the same number.

Q. Had Mays, the Republican supervisor, ever held any office in this county?—A. No that I remember, more than a school teacher.

Q. How had he been prominent in politics?—A. Electioneering and talking to other persons. I have facts within my own knowledge which satisfies me he was an active politician in his own party.

Q. Was he any more active as a Republican than you were as a Democrat?—A. I don't suppose he was.

Q. Was not the returns which was signed by Mays in conjunction with you simply a return of the number of votes cast, and the number cast for each candidate according to the count as made by the managers?—A. It was as far as I know.

Q. It contained no particulars in regard to the election?—A. It contained the number of votes.

Q. No particulars save those I have mentioned?—A. No, sir

Q. Was it not simply a blank return sent you by the chief supervisor?—A. Yes, sir.

Q. Did you say Mays made no objections during the entire day in regard to anything connected with the election?—A. No, sir; none that I heard.

Q. Did he make no protest in regard to the counting of the votes?—A. He did not.

Q. Or in the manner of the counting of the votes?—A. No, sir; he did not.

Q. Do you mean to say that he made none or that you heard none?—A. He made none; he expressed himself satisfied with the count in every way.

Q. Were the tickets which were drawn out in excess, burnt up, or simply torn up?—A. They were torn up and thrown on the floor.

In reply by M. P. CONNOR, contestee:

Q. When you say that from your experience that the colored people as a general thing have been in awe of the Republicans, do you not mean that they are in awe of the leaders of the Republican negroes?

(Objected to by contestant as not in reply.)

A. That is what I mean.

Q. As a general rule, from your experience, do you believe the ordinary freedman knows as much about the difference of Republican politics or Democratic politics?—A. About as much of one as of the other.

Q. And in their voting they are generally influenced by the leaders of their party?—A. They are.

Q. The class of men in that precinct that have led the Republican negroes, are they reckless, dangerous men?

(Objected to by contestant as not in reply.)

A. I cannot say they are, but they seemed to have a good deal of influence.

Q. Bold men?—A. Yes, sir; bold men.

Q. Exercising considerable influence over their race?—A. Yes, sir.

Q. If any fraud or illegality had been done at that election and come

under your notice, would you not have been bound, in making up your report to the chief supervisor, to make a note of it in the body of that report?

(Objected to by contestant as not in reply.)

A. Certainly I would.

Deposition of W. C. Wolfe.

ORANGEBURG, SO. CA., October 25th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County :

W. C. WOLFE (white), a witness of legal age, produced by conteste upon due notice to contestant, deposes as follows in reference to que= tions propounded by contestee:

Q. Question. State your age, residence, and occupation.—A. 50 occupation, farmer; residence, Orangeburg County.

Q. An old resident of Orangeburg County?—A. My whole life.

Q. What part did you take in the election of 1878?—A. I was supe= visor; I was one of the supervisors at Bull's Swamp poll.

Q. Who was the Republican supervisor?—A. I forget his name, bu= I think his name was Middleton.

Q. A black man?—A. Yes, sir.

Q. Were there any United States deputy marshals there?—A. Yes, sir.

Q. Were they Republicans, all of them?—A. Well, I suppose there were Democratic marshals there too; there were State constables there too; the marshals were Republicans, and the constables were Dem= crats.

Q. How many deputy marshals did you see there?—A. One.

Q. Was he a politician?—A. Yes, sir; always has been.

Q. Were you there at the opening of the poll?—A. Yes, sir; it wa= opened a few minutes after I got there, and the Republican supervisor got there after I got there, and I got there two minutes after the pol was opened, and they said it was just opened.

Q. Was the election conducted fairly and impartially?—A. So far as I could observe.

Q. Did the poll close at 6 o'clock?—A. By the time the manager had.

Q. Did the colored people vote the Democratic ticket there?—A. I cannot say positively whether they did or not; some have voted the Democratic ticket there.

Q. Have you heard any say they voted the Democratic ticket?—A. No, sir.

Q. Is it a Democratic poll, Bull's Swamp?—A. Pretty evenly divided

Q. Did not the Democrats make a very active campaign?—A. A ver= active campaign as I observed.

Q. What kind of tickets were used there?—A. There were none o= these tissue tickets, that I saw. I did not see any in the box when i was opened.

Q. Were any votes rejected there?—A. There was one, as well as I can remember.

Q. On what ground?—A. Want of age.

Q. Who challenged, the Republicans or Democrats?—A. Some Democrats challenged him, but the Republicans agreed that his general appearance showed that he was too young, and the Republican supervisor advised him not to vote; that he looked too young, and didn't vote.

Q. Was that the only case of rejection?—A. Yes, sir; there was one or two who voted under protest, but some parties said they would swear they were not of age, but still they voted.

Q. They voted under protest?—A. Yes, sir.

Q. Were the ballots voted open or folded?—A. Folded.

Q. Did the Republican supervisor lodge any complaint or protest of the election between 6 in the morning and 6 in the evening?—A. He did not; he said it was perfectly fair.

Q. Was the count commenced at the close of the poll?—A. Yes, sir.

Q. Was the count fair?—A. Yes, sir; it was.

Q. Were there more votes in the ballot-box than names on the poll-list?—A. Yes, sir.

Q. What was the excess of votes over the names on the poll-list?—A. I forget what it was.

Q. Large or small?—A. I cannot recollect now what it was; I have forgotten.

Q. You could not tell the number?—A. I cannot tell the number.

Q. Was there as many as 100?—A. I cannot say now positively; I really have forgotten; I did not keep a note of it.

Q. Did the Republican supervisor join you in making a return to the chief supervisor in Charleston?—A. Yes, sir.

Q. In doing that did he make any complaint that there had been any fraud in the election or count?—A. None at all.

Q. Did he consider that the election had been carried fair by the Democrats?—A. I presume so; he did not say anything about unfairness at all. He signed it cheerfully with me; he did not express any dissatisfaction at all.

Q. Were there any Republicans around besides the Republican supervisor when the count was going on?—A. Yes, sir.

Q. When the excess were drawn were they burnt up?—A. When the excess was drawn out they were kept in a hat a little while, and they were carried to a log-fire and burned up.

Q. What was the proportion drawn out?—A. I cannot say; the man was blindfolded that drew them out; he made no distinction; he took them as they came.

Q. Could you tell by the size whether there were more Democratic or Republican ballots drawn out?—A. I couldn't say.

Q. Could you give us any testimony as to whether there were more Republican tickets drawn out than Democratic, or more Democratic than Republican?—A. That I cannot tell.

Q. Could anybody tell?—A. I don't think so. There was one ticket found—a Republican ticket, too, they said, but I said it was a Democratic ticket—with tickets folded in it, but I didn't see it myself, but they said so.

Q. Were the ballots found in the box all folded up when the box was opened?—A. As well as I remember they were all folded.

Q. What was the result of the vote at that poll—Democratic?—A. It was a Democratic majority at the final count. (The joint certificate of the two supervisors put in evidence showing 205 votes for M. P. O'Connor and 122 for E. W. M. Mackey.)

Q. Did the Democrats exert their personal influence to carry this

election?—A. I think so; they seemed to be very anxious about the election.

Q. The colored people voted secretly there?—A. They seemed to do secretly. I didn't see any one showing their votes; they would come up and place them in very quietly; as far as I could observe they vote secretly generally.

Q. What influences had they to induce them to vote secretly?—A. I suppose they didn't like for the colored people who voted the Republican ticket to see it. I have seen them do it before because they would fall out with them.

Q. They were afraid of incurring the enmity of their people?—A. Yes, sir; I have known of them voting it secretly before for fear of incurring the displeasure of their color.

Q. Did the Republican supervisor consider the election as lost to the Republicans?—A. Yes, sir.

Q. Did he assign any reason why he gave up the election?—A. He told the colored people they ought to have voted for Hampton, and this might have been more successful.

Q. Did not the Republican supervisor say that the Republican party, his party, had lost the election because Hampton's name was not on the ticket?—A. Yes, sir; they said that.

Cross-examination by E. W. M. MACKEY, contestant:

Q. On behalf of what party were you appointed a supervisor?—A. I suppose I was the Democratic supervisor. I suppose I was recommended by the Democrats or their executive committee or some of them.

Q. Were not all three of the managers Democrats?—A. Yes, sir; as far as I know, they were.

Q. For whom did you vote for Congress?—A. I voted for O'Connor.

Q. Was not the return of the election made by yourself and the other supervisor simply based upon the result of the count as made by the managers?—A. Yes, sir; and our own observation; we noticed all the count ourselves.

Q. Did the Democrats vote an open ticket at your poll?—A. They were all folded and placed in. I didn't see their tickets at all; they were folded up and placed in the box the same as the colored ones were.

Q. Both whites and colored voted secretly at your poll?—A. As far as I could observe they had their tickets folded and put them in the box. I didn't see them show them to anybody at all.

Q. Were any large Democratic tickets found in the box with the small tissue tickets wrapped up in them?—A. There were no tissue tickets there that I observed.

Q. There were, then, only two kinds of tickets?—A. That I saw.

Q. One large Republican ticket and one large Democratic ticket?—A. That is all that I saw.

Q. Were all the tickets found in the box folded singly?—A. There were two or three on each side that were doubled with one or two folded inside.

Q. Both the Republican and Democratic tickets when found had one or two tickets folded inside of them?—A. Yes, sir; folded in such a way however, that one couldn't fall out of the other until they were unfolded and we took those out and destroyed them.

Q. The tickets that you found folded together, were they not found folded as if both had been picked up together and folded together?—A. Yes, sir; not folded separately.

Q. Were any one of that kind found folded, and others found folded

and others put inside of it!—A. As well as I remember they were all folded together, and none was so found; not that I know of.

Q. When the managers ascertained that there were more votes in the ballot-box than persons who had voted, did they express any surprise?—A. Yes, sir; they said that they were astonished that the number exceeded the poll-list.

Q. Did they take any steps or make any inquiries in order to ascertain how this surplus of ballots got into the ballot-box?—A. No; they could not account for it no more than I could. I kept a strict eye upon the persons voting and upon the ballot-box.

Q. You say that you were not present when the poll was opened?—A. I was there a few moments afterwards.

Q. Before you got there, the voting had begun?—A. They had just started, as they told me.

Q. Was there a general turnout by both white and colored voters at that poll?—A. I think the general strength was out.

Q. Of both sides?—A. Yes, sir.

Q. How did the Republican supervisor come to make the remark about Hampton which you have testified to?—A. He just remarked to the colored persons that seemed to be discontented about being defeated, and he told them that if they had voted for Hampton they would have been more successful.

Q. He told them that the Republicans ought to have had the State ticket for their ticket?—A. Yes, sir.

Q. And if they had done so they would have been more successful?—A. Yes, sir.

In reply by G. R. WALKER, counsel for contestee:

Q. Had the colored people more reason to be assured of Democratic protection in your vicinity in 1878 than in 1876?

(Objected to by contestant as not in reply.)

A. I rather think so.

Exhibit put in evidence to testimony of W. C. Wolf.

Return of the election held at Bull Swamp Precinct, Orangeburg County,
November 5th, 1878.

The whole number of votes given for member of Congress was 327
(and one blank).

Of which Mr. P. O'Connor received 205.

Of which E. W. M. Mackey received 122.

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Bull Swamp Precinct, of Orangeburg County, on the 5th day of November, 1878.

N. H. MIDDLETON,
W. C. WOLFE,
Supervisors.

Deposition of Edward Carroll.

ORANGEBURG, So. CA., October 25th, 1871

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County:

EDWARD CARROLL (white), a witness of legal age, produced by testee upon due notice to contestant, deposes as follows in reference questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. residence, Branchville; occupation, proprietor of the Branchville eat house and trial justice.

Q. Did you hold any position in the election of 1878?—A. I was of the supervisors.

Q. Who was the Republican supervisor?—A. A man by the name Johnson.

Q. A black man?—A. Yes, sir.

Q. A Republican?—A. Yes, sir.

Q. Was he a prominent politieian?—A. He was a politician, but don't know about the prominence.

Q. Was the poll opened punctually at 6 o'clock?—A. Yes, sir.

Q. Was the box exposed?—A. Yes, sir.

Q. So as every one could see in it?—A. Yes, sir; I looked into it

Q. Were the polls closed at 6 o'clock?—A. Yes, sir.

Q. Were you absent at any time during the day?—A. I was absent to take my meals, and Johnson was there.

Q. Were there any deputy marshals there?—A. There was one that claimed to be one.

Q. A colored man?—A. Yes, sir.

Q. What was his politics?—A. I don't know.

Q. Were any voters rejected at that poll?—A. Two or three.

Q. On what ground?—A. Under age.

Q. Were they challenged?—A. They were challenged.

Q. And they could not establish their age?—A. They could not.

Q. And their votes were rejected?—A. Yes, sir; they were.

Q. Was this a heavy poll—Branchville?—A. You mean usually?

Q. Yes.—A. I think they poll about 250 votes there.

Q. Were the Democrats active in this late campaign?—A. I think they were.

Q. They made a very vigorous campaign?—A. Yes, sir.

Q. Did not M. P. O'Connor canvass that precinct?—A. He did; spoke there.

Q. Did E. W. M. Mackey canvass that precinct?—A. I never him there, except to stop at the hotel, taking meals, going back and ward.

Q. Did any of the colored people vote the Democratic ticket at poll?—A. I have no doubt they did; they said they did.

Q. Told you so, before and after the election?—A. Several told before and after the election.

Q. Were the ballots voted there voted folded or open?—A. They generally folded their tickets before putting them in the box.

Q. The tickets voted were folded?—A. Yes, sir.

Q. Was the election, as far as you saw, during that day conducted fairly, legally, and impartially?

(Objected to by contestant as leading.)

A. Yes, sir.

Q. Did the Republican supervisor lodge any complaint, or enter any protest about the election?—A. He was perfectly satisfied until the close of the poll, when we came to the count.

Q. No complaint was made about the count of the ballots?—A. He had something to say about it, but was perfectly satisfied the challengers were right.

Q. Did the Republican supervisor keep a poll-list?—A. I think he did. I am not certain. He started to do it, but I don't know whether he kept it up during the whole day.

Q. Did the managers keep a poll-list?—A. The managers did.

Q. Did any of the colored people state to you that they intended to vote the Democratic ticket, but would do so secretly, as they did not wish it known?—A. Not exactly that; some said that they would vote it if they thought it wouldn't have any influence upon their friends, but knowing I was appointed supervisor, I conversed very little with them on the subject.

Q. Were you present at the count?—A. Yes, sir.

Q. Throughout the whole time to its close?—A. Yes, sir.

Q. Did the Republican supervisor join you in making your return to Mr. Pioneer, the chief supervisor?—A. He did not.

Q. You made your separate return?—A. Yes, sir.

Q. Was the count conducted fairly?—A. Yes, sir.

Q. Was there an excess over the poll-list?—A. Yes, sir.

Q. How much?—A. About 50, I think.

Q. What kind of tickets were used at this poll?—A. There were two kinds. The tickets that I saw there was one large Republican ticket and a Democratic ticket about the same size, and there was a small ticket.

Q. You mean the tissue tickets?—A. Yes, sir; there was some there.

Q. Were they on the tables?—A. I was inside, and didn't see where they had them.

Q. But Democrats had them?—A. Yes, sir.

Q. Did you see them voted that day?—A. I didn't see what size tickets they voted, but I saw tickets put in.

Q. In drawing the excess was it done fairly?—A. Yes, sir; the man was blindfolded.

Q. Do you know what proportion of Republican and Democratic ballots were drawn out?—A. No, sir.

Q. What was done with them when drawn out?—A. Torn up and thrown away.

Q. Could any one tell what kind of ballots they were?—A. I do not suppose so.

Q. Were any ballots found in the box, with two, three, or more votes found in them?—A. Yes, sir.

Q. How many?—A. Not many.

Q. What were they, Republican or Democratic ballots?—A. We could not tell. The other supervisor objected when he saw them, and when I saw anything of that kind I objected, and they were cast aside.

Q. They were not examined to see what they were, whether Republican or Democratic ballots?—A. No, sir; they were not examined.

Q. Branchville is a prominent station on the South Carolina Railroad?—A. Yes, sir; a prominent station.

Q. The trains from Columbia and Augusta pass there daily?—A. Yes, sir.

Q. And stop there?—A. Daily and nightly.

Q. It is a considerable commercial town?—A. Yes, sir; very good business done there.

Q. Did the Democrats enter with spirit in the campaign of 1878?—A. They did.

Q. With a determination to carry it?—A. They did. They had the reputation of being the best organized club in this county.

Q. Any colored men belong to the club?—A. There were color members of the club, but there are not many there who openly belong to it.

Q. The colored people have been in awe of the Republican leaders? (Objected to by contestant as leading.)

A. I could not say that; they seemed to be in dread of the influence of voting the Democratic ticket from their companions who belong to the Republican party, but I could say they were in awe of the leaders.

Q. Is there any prominent conspicuous leader of the Republicans that section?—A. No, sir; not in last two elections.

Cross-examination by E. W. MACKEY, contestant:

Q. On behalf of what party were you appointed a supervisor?—Well, when I received my appointment it did not state on the part what party, but I have been always identified with the Democratic party. I got my appointment from Judge Bryan. I didn't know I was going to be appointed until I received my appointment by mail.

Q. Were you appointed to represent the Democratic party or Congressman at that poll?—A. If my name was recommended for that I didn't know.

Q. For whom did you vote for Congress?—A. Mr. O'Connor.

Q. Who were the managers of election at that poll?—A. I declare forgot the names of them now; the returns will show that. I remember Johnson was one, and a colored name Walker was another, and the third man I forgot who he was.

Q. You cannot remember his name?—A. I cannot remember the other man's name. I remember those two—Johnson and Walker.

Q. Were not all three of them Democrats?—A. Two of them were Democrats. I don't know what Walker's politics were; he has been on one side and the other pretty often.

Q. Was not Walker a member of the Democratic club?—A. I do think his name was on the roll.

Q. Had he not been taking part with the Democrats in the campaign? I mean in processions and so forth—preceding the election?—A. I never saw him in any processions; all that I can say is what I have said before; he stated to some that he was a Democrat, but I don't know what he said to others, but he took no prominent part.

Q. Were there any State constables at your poll?—A. There were some marshals outside preserving order, but I don't know if they were State constables or not; I was inside until I went to meals, and I do not know scarcely what was outside.

Q. These marshals whom you referred to, were they State officers United States officers?—A. If they were there, which I am uncertain of—I heard they were there—they were State officers; there was one man that I heard claimed that he was a United States officer.

heard that these parties were outside, and as everything went on quietly outside, so we remained inside.

Q. Did the United States deputy marshals interfere in any way with the election?—A. Not that I know of.

Q. You stated that the excess of votes over the names of the poll-list were about 50; was it not more than that?—A. I said it was about 50. I said I was not certain as to the number. I did not refresh my memory since the day of election; I have had other things to think of. As to the number, I wouldn't like it to be put down, as exact about that; my recollection is about 50.

Q. When any tickets were found folded together, did the managers open them before destroying them?—A. No, sir; I don't think they did.

Q. Are you positive about that?—A. I was looking on, and I didn't see them open any. When they were folded together and the supervisor implied that there were more than one together, we had them thrown out.

Q. How could they tell that two or more were folded together without opening them?—A. They could tell without opening all the tickets.

Q. They would have to open some of them to find out?—A. Yes, sir; we did find large tickets with small ones inside of them, and they were thrown out.

Q. These tickets that were found folded together, were they large tickets with small tickets within them?—A. I remember on one occasion that we took out one Democratic ticket with small tickets inside of it, and on one occasion we found one Republican ticket with small ones inside of it; but what was on them I don't know.

Q. Was that the only Republican ticket found in this way?—A. That was the only one that I observed.

Q. You are certain that this was a large Republican ticket with some small tickets in it?—A. I am certain on that occasion it was.

Q. Now, are you not quite as positive that there were some large Democratic tickets with these small tissue tickets found in them?—A. No, sir; I am not as certain of that.

Q. Did this excess about which you spoke exist after these double tickets had been destroyed?—A. Yes, sir; these that we destroyed were not counted when we were ascertaining the excess. We considered them illegal tickets and threw them out.

Q. So that, after the destruction of all double ballots, there was still an excess of tickets over the poll-list?—A. Yes, sir.

Q. Are not the white and colored voters about equally divided at Branchville?—A. Very nearly.

Q. Were you a member of the Democratic club?—A. I was.

Q. How many colored men were also members of that club?—A. Well, I could not tell you how many were members of the club; most of the white men, but not all, were enrolled. The colored men in the last election were not enrolled.

Q. Do you know of any colored men at all being enrolled in that club?—A. I don't remember. I did not keep the roll of the club; if there were any, there were very few enrolled.

Q. About how many colored men told you previous to the election that they intended to vote the Democratic ticket?—A. I could not tell you how many; some told me so.

Q. Can you remember about how many told you they intended to vote the Democratic ticket?—A. I suppose 10 or 15 told me individually; but I would like to say that in the campaign we had different parties for different purposes. It was not my business to investigate that,

but other men had that part assigned to them to attend to that. didn't speak to a very great many.

Q. How many colored men told you after the election that they I voted the Democratic ticket ?—A. Well, I suppose 10, but I conversed very little with them on the subject.

Q. On the day of election, while you were acting as supervisor, you see any colored men vote the Democratic ticket ?—A. I don't know whether they voted it or not; all the tickets I saw go in they were folded tickets; I didn't know what they were.

Q. When did you first see the Democratic tissue tickets ?—A. I think I saw one before the election; I may have seen more than one; I know I saw a few.

Q. In whose hands did you see them ?—A. I don't remember that.

Q. Did you see any on the day of election ?—A. I don't recollect I did until after the box was opened, because I was in the room.

Q. Did you see any of them vote it ?—A. I could not tell whether they were voted or not; from where I was sitting you could see tickets put in, but you could not see what sort of ticket it was at all.

Q. Was not the tissue ticket very easily distinguished from the large Democratic ticket by the appearance of the paper ?—A. When you were near enough it was very easily distinguished.

Q. Did you see any of the larger tickets that were voted on that day either the Republican or the Democratic ?—A. I saw them put in the box, and from the appearance of the ticket I judged it was a large ticket.

Q. While the voting was going on did you see any ticket go into ballot-box that had the appearance of a tissue ticket ?—A. No, sir.

Q. Did not both political parties turn out their full strength at last election at that poll ?—A. I could say that the Democrats did, I don't know what the Republicans did.

Q. Did not as many colored men vote at the election of 1878, at your poll, as voted there in the election of 1876 ?—A. I think the votes were about the same.

Q. Was not the white vote also about the same ?—A. I think it was.

Q. You say the Republican supervisor was perfectly satisfied with the counting began ?—A. So he appeared to be; he didn't make any objections; he seemed to think that everything was quiet, orderly, and harmonious.

Q. Did he make any objections ?—A. He made some objections to those tickets that were drawn out.

Q. After the count was concluded did he express himself satisfied with the count or result ?—A. I think he said that he didn't know if the excessive votes got in there.

Q. Is this your return of the result of the election at Branchville?

A. Yes, sir.

(Return was here put in evidence.)

Return of the election held at Branchville precinct, Orangeburg County, November 5, 1878.

The whole number of votes given for member of Congress was 351.
Of which M. P. O'Connor received 266.

Of which E. W. M. Mackey received 92.

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Branchville Precinct Orangeburg County, on the 5th day of November, 1878.

EDWARD CARROLL, Supervisor

Q. By whom were the two or three voters who were rejected challenged?—A. I don't know. They were challenged from the outside, and the managers considered it a proper challenge from their appearance. I remember in one or two instances, from the appearance of the voters, when they questioned them in regard to their age, they could get no satisfaction, and they rejected them.

Q. Were the voters challenged willing to swear to their age?—A. I don't know whether they were willing to swear or not. I know they could not establish it by any one else.

Q. Their votes were rejected because they could not prove that they were 21 years of age?—A. Yes, sir.

Q. The managers required them to prove that before allowing them to vote?—A. They required them to produce some satisfactory evidence.

Q. Was any evidence produced on the part of those who challenged these voters that the persons so challenged were not 21 years of age? A. Yes, sir; evidence to this effect: parties that knew the parties said, they knew them, and knew they were not 21.

Q. Did these parties who made these statements make oath that these men were not of age?—A. I don't remember whether they made oath or not.

Q. Were they required by the managers to make oath that the parties were not 21 years of age?—A. I don't remember that they were.

In reply by M. P. O'CONNOR, contestee:

Q. Has Branchville always been a Democratic poll?—A. Not always; since the election preceding the election of 1876. It was an election of the intendant of the town. The Republican of the town was destroyed; the Democrats carried that election.

Q. Did they carry the election of 1874?—A. I don't remember; I don't think they did.

Q. There was no Democratic candidate in 1874; there was a Republican and Independent Republican?—A. Yes, sir.

Q. Did the regular Republicans or Independent Republicans carry it?—A. I think the regular Republicans carried it, but I didn't go to the polls to vote.

Q. Who ran for Congress, Mr. Mackey and Buttz?—A. Yes, sir.

Q. Who beat, Mackey or Buttz?—A. Buttz, I think.

Q. Was it a Democratic poll in 1876?—A. Yes, sir.

(All of the above questions objected to by contestant as not in reply.)

Q. You testified about tissue ballots. Was it possible for you if a tissue ballot was voted to tell what the man was voting?—A. Yes, sir; you could him deposit the ballot; sometimes in depositing the ballots they held their hands in such a way that you could not see what they put in.

Deposition of W. S. Barton.

ORANGEBURG, SO. CA., October 25th, 1879.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Orangeburg County:

W. S. BARTON (white), a witness of legal age, produced by contestee, upon due notice to contestant, deposes as follows in reference to questions propounded by contestee:

Question. What was your position at the polls?—Answer. Supervisor at Ayers poll.

- Q. Were you there when the poll was opened?—A. No, sir.
Q. You arrived after the poll was opened?—A. Directly afterward.
Q. Was the Republican supervisor there?—A. Yes, sir.
Q. Was any complaint made to you about any improper conduct in the opening of the poll?—A. No, sir.
Q. Was the election conducted fairly or unfairly?—A. Fairly.
Q. Everything aboveboard?—A. Yes, sir.
Q. You recollect the aggregate vote at that poll?—A. No, sir.
Q. Was there a Democratic or Republican majority?—A. A large Democratic majority.
Q. What is the proportion of white and colored voters at that precinct?—A. I don't know that I can answer that question.
Q. A large number of white inhabitants in that precinct?—A. I think so.
Q. Did you see the count?—A. Yes, sir; I saw the count. I was present when they counted.
Q. Did the Republican supervisor see the count?—A. Yes, sir.
Q. Any other Republicans see the count?—A. Yes, sir.
Q. Was the canvass and count perfectly fair?—A. Yes, sir.
Q. Did the Republican supervisor make any complaint?—A. No,
Q. Did he file any protest?—A. No, sir.
Q. Did he sign your official return?—A. No, sir.
Q. Why not?—A. Because, I suppose, he was instructed not to do so.
Q. By the Republicans or Democrats?—A. By the Republicans I suppose.
Q. He gave no reasons why he refused to sign this return?—A. I don't know. I can only conjecture that he did not sign it from instructions which he had received.
Q. Was any large number of Republican votes rejected at your poll that day?—A. No, sir.
Q. You know the managers at that poll?—A. Yes, sir.
Q. Fair and honorable men?—A. Yes, sir.
Q. Well known to you?—A. Yes, sir.
Q. Good reputation?—A. Yes, sir.
Q. They appeared to do their duty fairly and honorably?—A. Yes, sir. I don't think it could have been managed more fairly.
Q. You remember the contest in this county in 1874, between E. M. Mackey and C. W. Buttz for Congress?—A. Yes, sir.
Q. Did the Democrats support Mr. Buttz or Mr. Mackey?—A. Supported Mr. Mackey.
Q. Was Mr. Mackey on the Republican ticket?—A. He was on the Bolters' ticket, the Green ticket.
Q. Were the negroes in this county at that time strongly in favor of Mackey's favor?—A. I think so.
Q. Did the negroes support Mr. Mackey or Buttz in the election of 1874?—A. The negroes supported the regular ticket and the whites supported the independent ticket. Mr. Mackey was on the independent ticket.
Q. You mean then that the whites supported Mr. Mackey and the negroes Mr. Buttz?—A. Yes, sir; that was the ticket we supported.
Q. Were the negroes then opposed to Mr. Mackey?—A. Yes, they must have been.
Q. Did the negroes regard Mr. Mackey, in that election, in a favorable light?—A. I don't think they could.
Q. Did they regard him as allied with the whites as against them?—A. Yes, sir.
Q. Have you reason to believe that that feeling among the negroes

still exists; or has it died out?—A. I think it exists still in a great measure, sufficient to give a candidate on the other side a majority over him at my poll, I know.

Q. Do I understand you to say that the enthusiasm for Mr. Mackey among the negroes of this county is not very great?—A. Not as great nor anything like it. It was sufficient to defeat him at my poll, and I think the feeling over the county is generally pretty much the same.

Cross-examination by E. W. M. MACKEY, contestant:

Question. In the election of 1874, did you visit any other precinct in Orangeburg County besides the one in which you live, on the day of election, or any time during the election?—A. Yes, sir; I have been at different neighborhoods where polls were.

Q. During the campaign?—A. Yes, sir.

Q. Took a part in the canvass?—A. Yes, sir.

Q. In the interest of what party?—A. In the interest of the Democratic party.

Q. In 1874?—A. Yes, sir; it was an Independent party then, we were having an Independent ticket at that time, and I took an interest in the party that was voting that ticket.

Q. In the election of 1876 did you take any part in the canvass of Orangeburg County?—A. Yes, sir.

Q. During the last campaign did any Republicans, or did any persons who were Republicans in 1874 tell you that they would not vote for Mr. Mackey because he had run on the Independent Republican ticket in that year?—A. Yes, sir.

Q. How many told you so?—A. I could not specify any number.

Q. About how many?—A. I could not tell you; I did not number them.

Q. Did a half dozen tell you so?—A. Yes, sir.

Q. Did a dozen?—A. I could not tell you; but I know of more than a dozen that said so.

Q. Can you give the names of any of those persons that spoke to you to that effect?—A. I could do so if I had the time to call them to my mind; the names—I have not taxed my mind with them.

(Counsel for contestee submits that witness would be violating political faith, and subject the negro Democrats of the vicinity to great danger if he divulges the names of those who secretly voted the Democratic ticket; and therefore he advises witness that if he desires he may refuse to give such names, unless the Congressional Committee on Elections insist upon such breach of political confidence.

In reply to objections of counsel for contestee, contestant calls attention to the fact that witness has not testified to colored Democrats being subjected to any such danger in his vicinity.)

Q. Can you give the names of any such persons?—A. I can.

Q. Give them.—A. No, sir; as counsel has objected to it, I will not give the names.

Q. If you gave their names, would the parties incur any danger or run any risk?—A. I would like you to explain what kind of risk you mean.

Q. I mean would they incur any risk at all if you were to give their names as requested?—A. I think they would.

Q. From whom?—A. From the Republican party.

Q. Did those colored men whom you referred to vote the Democratic ticket at the last election?—A. Yes, sir.

Q. The whole Democratic ticket?—A. No, sir.

Q. How much of the Democratic ticket did they vote?—A. That I

could not tell you; there were some that voted scratched tickets, whi others didn't. The Republicans scratched their tickets and put O'Connor's name; and some I know were just the other way.

Q. Was this at your poll?—A. At Ayer's poll.

Q. How many Republicans scratched the name of Mackey and serted the name of O'Connor?—A. I cannot answer that question.

Q. About how many?—A. I cannot say; it has been so long, I ha not taxed my memory with it.

Q. Was it any considerable number?—A. I think so.

Q. Fifteen or twenty?—A. I should suppose so.

Q. Well, then, if 15 or 20 Republicans scratched the name of Mack and voted for O'Connor, must not Mr. Mackey have received at yo poll a much smaller vote than the rest of the Republican ticket?— Provided no Democratic tickets were scratched.

Q. If Mr. Mackey received the same vote at your polls as the rest the Republican ticket, and was scratched by the Republicans, must n some Democrats have scratched Mr. O'Connor's name off and voted Mr. Mackey?—A. There were some that may have scratched the na of O'Connor out and put the name of Mackey there.

Q. So that there were some scratching at your poll on both sides?— I don't know that there was any scratching on the Democratic tick I said provided there was any scratching.

Q. Do you not know that Mr. Mackey at your poll obtained, accordi to the returns of the managers, fully as many votes as the rest of t Republican ticket?—A. I don't remember as to that.

Q. You remember, however, some Republicans did scratch him?— I think there were.

Q. You think there were fully 15 or 20?—A. I think so, but to positive I could not.

Q. The returns of election at that poll show that Mr. Mackey obtain the same number of votes as the rest of the Republican ticket; how you account for it if these men scratched him as you state?—A. I do how I would account for it.

Q. Could you account for it on any other theory than that you we mistaken, or that quite a number of Democrats must have voted for Mackey in preference to Mr. O'Connor?—A. No, I am not mistak about it; the Republicans, a great many more of them, might ha voted for Mr. O'Connor.

Q. Have you attended any Republican meetings in this county?— Yes, sir; a few.

Q. At any of those meetings did you hear any dissatisfaction expressed at the nomination of Mr. Mackey on account of a candid of the Independent Republican party in 1874?—A. I heard no dissatisfaction at all at those meetings. I don't think there was much said ab candidates at all—the parties that were running.

Q. During what time in the last campaign or the campaign precedi the last campaign, that you heard some of the colored speak Mackey's nomination for Congress?—A. It was in the last campaign.

Q. What month?—A. I could not answer that.

Q. How long was it before the election?—A. That I cannot answ

Q. Was it a month before the election?—A. I suppose it was.

Q. Was it in your section of the country?—A. It was in my secti and I think it was in others too.

Q. In what other sections?—A. I think in this section.

Q. Orangeburg Court-House?—A. I think so, and in the village.

Q. When was it that you were at Orangeburg Court-House and heard that dissatisfaction expressed?—A. I cannot answer that.

Q. How long before the election?—A. I answered already I thought about a month. I could not swear exactly to the time; it might have been nearer to the election than that.

Q. Do you remember when you were last at Orangeburg prior to the election of 1878?—A. No, sir.

Q. Were you at Orangeburg Court-House frequently in the last 10 days before the election?—A. I was here frequently.

Q. It is very important to know when you heard these expressions of dissatisfaction, and I therefore wish that you would try and remember?—A. I think it would be a hard matter to get a witness to say positively about the time. I cannot answer positively about the time.

Q. Did you hear any such expressions during the last week of the canvass?—A. I could not answer that question. I know I was not here the day before the election.

Q. Were you here the last week before the election?—A. Yes, sir.

Q. How many places in this county did you visit in the last 10 days before the election?—A. I could not answer that.

Q. Did you visit any other places besides your own precinct?—A. I think I was in different parts of the county.

Q. Within the last 10 days?—A. Yes, sir.

Q. You cannot recollect where you were?—A. No, sir; I circulate all over the county some times.

Q. Were you pretty active in the interest of the Democratic party?—A. Not more than others.

Q. Did you take an active interest in the Democratic party?—A. Yes, sir; I did.

Q. Can you name any other poll or precinct in the county in which you heard such expressions of dissatisfaction?—A. If I had sufficient time to think I might.

Q. How long would it take you to remember?—A. I don't know; it might take me longer than I imagine.

Q. About how long?—A. I could not say. I would have to have some time for thought.

Q. Do you think you could recollect in a half hour?—A. It might be longer than that.

Q. You testified that you supposed that the Republican supervisor was instructed not to sign the return. Upon what do you base your supposition?—A. I asked him if he was instructed and he would not deny it. I asked him for his reasons and he would not give any. I then asked him if he was not, and he would not give me any answer, and I therefore concluded that he had been instructed not to sign it, because there was no reason he should not sign it.

Q. If the number of names on the poll-list largely exceeded the ballots in the box, was that not a cause for him not to sign it?—A. No, sir.

Q. You consider that there was nothing wrong in the ballots being largely in excess of the persons that had voted?—A. Nothing wrong on our side.

Q. What was the amount of that excess?—A. I don't remember.

Q. Was it not considerable?—A. I don't remember what was the excess.

Q. Were any tissue tickets found in the ballot-box?—A. I saw none.

Q. How many kinds of tickets were found in the ballot-box?—A. Two that I saw; two kinds of tickets.

Q. Were all the tickets that were found in the ballot-box folded singly

or were they folded together?—A. They were not folded together know of; I did not see the tickets when they were taken out of ballot-box; I didn't observe whether they were folded or not.

Q. Did you see any tickets in the box folded together?—A. I none in the box that were put out on the table that the box was on

Q. Did you look into the box to see the tickets that were in it? No, sir; I don't know if I did or not; I was standing about 2 or 3 from the box.

Q. Did you at any time while these tickets were being taken out of the box to ascertain the whole number look into the box to see how tickets stood?—A. No, sir; I did not. I did not observe the cond of the tickets in the box.

Q. How can you then testify that the whole count was conducted fairly and impartially?—A. I saw them taken out of the box and count that was the only way I could account for it. I couldn't tell how tickets were situated in the box just by looking at them.

Q. So that you cannot tell of your own knowledge whether they fairly taken out or not?—A. Yes, sir; I know that.

Q. Will you please explain how you know they were fairly taken if you did not see them taken out, or whether they were double folded or not within the other?—A. The tickets were in the box; I them drawn out of the box, and saw that they were properly count

Q. Have you not already testified that you were not present when the poll was opened?—A. I was not there when the poll was open I got up there a few minutes after; I don't think a ballot was cast.

Q. Did you see into the box before the votes were cast?—A. I t I saw inside the box before the votes were cast.

Q. Are you positive about that?—A. I think I am.

Q. When it was ascertained that the ballots were largely in excess of the poll-list, did the managers express any surprise?—A. Yes, sir, I was a little surprised myself; I think the managers expressed surprise.

Q. Did they take any steps to ascertain how the surplus tickets into the box?—A. They could account for it before they had gone I think the managers saw how it was.

Q. Did they state then and there how it happened?—A. I don't member what conversation passed between the managers.

Q. Did you hear them offer any explanation as to how it occurred? A. I don't remember that I did.

Q. Did you express any opinion yourself as to how it occurred? I don't remember that I did.

Q. Can you tell how it occurred?—A. I suppose the only — was the Republicans voted double tickets.

Q. Voted them folded together?—A. I suppose so.

Q. When the ballots were taken out of the box, were they folded together?—A. Not that I saw.

Q. Can you tell how, with all the managers of election Democrats Republicans could have stuffed the ballot-box in their presence?—I cannot tell; I could not account for it; it could be done, I suppose.

Q. Were not all three of the managers Democrats?—A. I think was a Republican.

Q. Which one?—A. E. D. Spearman was one of the managers and D. Farr was one; the other was a Republican, I think.

Q. Can you be positive that the other manager was a Republican? A. Not unless I knew his name.

Q. The two whose names you do remember were Democrats, were they not?—A. Yes, sir.

Q. Was not the other manager a Democrat also?—A. That I cannot swear unless I knew the name of the party; but I think he was a colored man and a Republican, as well as I can remember.

Q. Did you keep a poll-list?—A. No, sir.

Q. Did the Republican supervisor keep a poll-list?—A. I think he did.

Q. Are you certain that he did?—A. I am not certain that he did; I think he did.

Q. Did you not tell him that he should not keep a poll-list?—A. No,

Q. When he started to keep a poll-list, did you not interfere to prevent him from doing so?—A. I don't know that I did. I don't know if I interfered with him. I told him that I didn't intend to keep a poll-list, and that there was no use for him to keep a poll-list; that the managers' poll-list was enough.

Q. Did not the managers forbid him from keeping a poll-list?—A. Not in my presence, nor do I think they did in any other's presence.

Q. Who arrived at that poll first, you or the Republican supervisor?—I don't remember; I think I was there first.

Q. Did you not testify in your examination-in-chief that you arrived at the poll after the Republican supervisor?—A. I think not.

Q. Did you not testify in your examination-in-chief that you arrived at the poll after it was opened, and that the Republican supervisor made a complaint in regard to the box?—A. I testified that I arrived a little later the poll was opened; a short while after the poll was opened. I don't think I said anything about the supervisor. I don't think the question was asked me, though I heard the Republican supervisor say something at all about it.

Q. Did not the Republican supervisor arrive there after the poll was opened?—A. That I cannot tell you. I arrived there after the poll was opened, and, I think, he arrived after me, but it was before any votes were cast.

Q. How do you know that it was opened at the legal hour?—A. From what the managers told me. They had their watches and their time with them; they opened it by that watch and closed it by that watch.

Q. Did you and the Republican supervisor arrive about the same time?—A. I think about the same time. I think I got in the house before him. He may have been on the hill before I got there.

Q. Was not Ayer's a new poll?—A. Yes, sir.

Q. Established in the place of what other poll?—A. Ferry's Chapel.

Q. About how far from Ferry's Chapel?—A. I suppose about $\frac{1}{2}$ miles.

Q. Had not Ferry's Chapel been a Republican poll?—A. No, sir.

Q. When had it given a Democratic majority?—A. I think it had an two or three majority.

In reply by G. R. WALKER, counsel for contestee:

Q. Are there many colored Democrats in your vicinity?—A. A good many of them.

Q. Any Democratic clubs in your vicinity?—A. Yes, sir; 7 strong ones there.

Q. Are they all white?—A. No, sir.

Q. Any colored Democratic clubs in your vicinity?—A. Yes, sir.

Q. Strong colored Democratic clubs?—A. Yes, sir.

Q. The strength of the white and colored Democrats together rendered necessary, then, for the Democrats their to vote secretly?—A. Yes,

Q. At your precinct?

(Objected to by contestant as not in reply.)

A. Yes, sir.

Q. As to this scratching, do you know positively that these negroes that spoke of scratching might not have scratched the whole Republican ticket?—A. They might have.

Q. In that way you might account for Mr. Mackey getting the same number of votes that the Republican ticket got?—A. Yes, sir.

Q. Your expression on that subject is mere theory based upon mere hearsay of these negroes?—A. Yes, sir.

Q. In regard to this matter of seeing into the box, was there anything to prevent you or the Republican supervisor from examining that box during the count?—A. No, sir.

Q. Did he, the Republican supervisor, have every opportunity to look into the box?—A. Yes, sir; he was a close observer all the time.

Q. He made no objections?—A. None that I heard.

Q. Had he made an objection, would you have looked into the box to see the cause of his objection?—A. Yes, sir; I would.

Q. You stood up a few feet from the box?—A. Yes, sir; a few feet.

Q. As I understood you as saying that hearing no objections from the supervisor, you had no cause to look into the box?—A. No, sir; not at all.

Q. You say that you account for the excess by reason of Republican tickets voted together. Do you mean that they were voted folded, within the other, or folded separately and voted together?—A. Folded separately and voted together. If they had been voted folded together they would have been observed as they were drawn from the box.

Q. You stated that you thought that you arrived a little after the opening of the poll, but you testified on your cross-examination that you saw inside of the box prior to the voting of the first ballot?—A. Yes,

Q. Do I understand you, then, to make a distinction between the opening of the poll and the close of the box?—A. The polls were not opened, virtually, until the ballots were being put into the box.

Q. Is that the way you account for the apparent contradiction on your cross-examination?—Yes, sir.

Q. As I desire to understand you explicitly on this point, please pardon my asking you again: How do you explain your apparent contradiction in testimony in stating on your direct examination that you arrived after the opening of the poll, and that stating on your cross-examination that you got there before the box was closed?—A. In direct examination I think, if you refer to it, you will find that I testified that I got there after the poll was opened and before the balloting was cast. I did not consider the poll opened until the box was open and the ballots cast.

Q. Is it not nearly a year, or about a year, since the last political campaign?—A. Yes, sir.

Q. Of the details of that campaign, and the facts in regard to the colored antipathy to Mr. Mackey as opposed to them, been a subject of your thought or observation since the last campaign?—A. No, sir.

Examination in reply continued by M. P. O'CONNOR, contestant.

Q. Can you tell or remember what proportion of Republican balloting and what proportion of Democratic ballots were drawn out and destroyed when they were drawing out the excess?—A. I could not.

Q. Could any one tell?—A. I don't think they could.

(Contestant demands the right to cross-examine witness in regard

te and colored Democratic clubs in his vicinity, as it is entirely new ter.

ontestee, denying the right of the contestant to so again examine, ertheless, desiring the fullest exposition of the truth, as a matter of rtesy to the contestant, and for the sake of truth, urges the con- tant to continue the examination.)

Question by E. W. M. MACKEY, contestant:

- Q. How many Democratic clubs were there in your vicinity?—A. Two.
- Q. One white and one colored?—A. Yes, sir.
- Q. How many belonged to the white Democratic club?—A. I don't remember exactly the number.
- Q. How many to the colored Democratic club?—A. I think we had our roll 42 members.
- Q. Did you ever visit the colored Democratic club?—A. I was the secretary.
- Q. Did none but colored men belong to it?—A. Only colored men. I was a member of it, being its secretary.
- Q. Any other white men members of it?—A. I was the only one.
- Q. Did all of the 42 colored men vote the Democratic ticket?—A. As far as I know.
- Q. Did you see them vote it?—A. I saw a few vote it. I was not at poll watching every ballot that was put in.

Deposition of Thomas Livingston.

ORANGEBURG, So. CA., October 25th, 1879.

he matter of the contest of E. W. M. Mackey against M. P. O'Connor, for a seat in the Congress of the United States.

TE OF SOUTH CAROLINA,
Orangeburg County :

HOMAS LIVINGSTON (white), a witness of legal age, produced by con- ce, upon due notice to contestant, deposes as follows in reference to tions propounded by contestee:

testion. State your age, residence, and occupation.—Answer. 46; lence, Orangeburg County; occupation, farmer.

Lived in Orangeburg County your whole life?—A. Yes, sir.
Did you take any part officially in the election of 1878?—A. Yes, I was supervisor.

At what poll?—A. Bookhardt's poll.

Who was the Republican supervisor?—A. Mr. Hart.

Was he a black man?—A. Yes, sir; a black man.

Was he a leading politician?—A. I don't know. I don't know much about him.

Were there any United States deputy marshals there?—A. No, sir; I think there were.

With badges on?—A. Yes, sir.

How many of those?—A. Three of those deputy marshals or men wearing badges.

Were they Republicans?—A. I think they were Democrats.

Were these not State constables instead of deputy marshals?—A. They were State constables instead of United deputy marshals.

Was the poll opened precisely at 6 o'clock?—A. Yes, sir.

Was the box exposed?—A. Yes, sir.

- Q. Nothing in it?—A. No, sir.
Q. It was closed in the presence of the people, and the voting began
—A. Yes, sir.
Q. Were you there all day?—A. Yes, sir.
Q. From 6 o'clock in the morning to 6 o'clock in the evening, when
the poll closed?—A. Yes, sir.
Q. Was the Republican supervisor there all the time?—A. Yes, sir.
Q. Did the managers conduct the election fairly, freely, and impartially?—A. Yes, sir.
Q. Was any vote rejected at that poll?—A. I believe there was one or two—there were two of them.
Q. Challenged from not being of age?—A. Yes, sir.
Q. Did the Republican supervisor complain at the decision of the managers in rejecting those two votes?—A. No, sir.
Q. Did he acquiesce in their decision?—A. Yes, sir.
Q. Did any one on behalf of the two rejected voters, protest against the action of the managers in refusing their votes?—A. No, sir.
Q. Were the Democrats very active at this poll?—A. Yes, sir; there were a good many out.
Q. Active in soliciting voters?—A. No, sir. I didn't hear any of that.
Q. They were about the poll, the same as the Republicans?—A. Yes, sir.
Q. Were the ballots voted there folded or open?—A. All folded.
Q. Did any of the colored people vote the Democratic ticket?—
Yes, sir.
Q. How do you know?—A. They told me so.
Q. When; before the election, and after the election?—A. Yes, sir.
Q. How many told you so?—A. Three or four.
Q. You had reason to believe that a good many colored people voted the Democratic ticket at this poll?—A. Yes, sir.
Q. Have you reasons to be thoroughly satisfied in your mind that number of colored people at this poll voted the Democratic ticket? (Objected to by contestant as leading.)
A. I am satisfied of that.
Q. Was that a large poll?—A. About 290 or 270 votes cast at the poll.
Q. Did it turn out Democratic in the result?—A. Yes, sir.
Q. Did the Republican supervisor lodge any complaint or file a protest against the conduct of the managers that day?—A. No, sir.
Q. Did he complain to you of any unfairness?—A. No, sir.
Q. Were you there at the counting of the votes?—A. Yes, sir.
Q. Remained there throughout the count?—A. Yes, sir.
Q. Was the count conducted fairly and impartially?—A. Yes, sir.
Q. Did the Republican supervisor complain of the count?—A. No, sir.
Q. Did he join you in the report to the chief supervisor?—A. He signed mine and I his.
Q. Did he say he was satisfied with the count?—A. Yes, sir.
Q. When the votes were counted were there found more votes in the box than names on the poll-list?—A. There was.
Q. Did the Republican supervisor keep a poll-list?—A. Yes, sir.
Q. Did his list tally with that kept by the managers?—A. Yes, sir.
Q. About what was the amount of the excess?—A. I think there were some where about 80. I couldn't say exactly, but it was about 80 though.

Q. What kind of tickets were used or voted at this poll; the plain, ordinary ticket?—A. Yes, sir.

Q. Was the Republican and Democratic tickets voted there pretty nearly about the same size?—A. The Republican ticket was a short ticket.

Q. A short ticket, but wider than the Democratic ticket?—A. I don't remember; they might have been a little wider, but they were shorter.

Q. The Democratic ticket was longer, but the Republican ticket was wider than the Democratic tickets?—A. Yes, sir.

Q. Were any tissue-ballots used at this poll?—A. No, sir.

Q. Did you find in the ballot-box any ballots with two or three more ballots folded in them?—A. There were three found folded together; they were either folded together or rolled together.

Q. What were they; Republican?—A. No, sir; Democratic. They were rolled together and thrown out.

Q. Were those the only stuffed ballots you saw there?—A. Yes, sir.

Q. Were the rest all single?—A. Yes, sir.

Q. Were all the ballots in the box folded up?—A. Yes, sir; all folded up.

Q. You never took your eyes off the box from the beginning of the election until the count was finished?—A. Yes, sir; I was there all the time.

Q. Were the tickets, after they took them out, put back into the box?—A. Yes, sir.

Q. Was the drawing fair?—A. Yes, sir.

Q. Perfectly fair?—A. Yes, sir.

Q. Who did the drawing?—A. Mr. Rush.

Q. What did he do with the tickets when he drew them out?—A. Tore them up.

Q. In your presence, and the Republican supervisor's?—A. Yes, sir.

Q. Do you know what proportion of Republican and Democratic tickets were drawn out?—A. No, sir; I could not tell. They were drawn out in the open room.

Q. Could the Republican supervisor tell what proportion was drawn out?—A. No, sir; no one could tell; the gentleman just put his hand in and drew them out and tore them up.

Q. He turned his head around?—A. Yes, sir.

Q. About 270 votes polled there?—A. Somewhere about that. I don't know exactly how many. The number, I suppose, was about three hundred.

Q. To account for the excess in the box some of the voters must have voted more than one ticket?

(Objected to by contestant as leading.)

A. Yes, sir; they must have done so.

Q. That is the only way you can account for it?—A. Yes, sir.

Q. Did the colored people take as much interest in 1878 in the election as they did before?—A. No, sir; I don't think they did.

Q. The Democrats made a very lively campaign?

(Objected to by contestant as leading.)

A. Yes, sir.

Cross-examination, by E. W. M. MACKEY, contestant:

Q. Who were the managers of election?—A. Harmon Rush, —— Goddard, and —— Rick.

Q. Were they Democrats or Republicans?—A. Democrats.

Q. All three of them?—A. Yes, sir.

Q. On behalf of what party were you appointed a supervisor?—Democratic.

Q. For whom did you vote for Congress?—A. Mr. O'Connor.

Q. You stated that you were convinced that a number of colored men voted the Democratic ticket at your poll?—A. Yes, sir.

Q. Please state now upon what you base your opinion.—A. They told me that they were going to vote the Democratic ticket, and they said so afterwards. They told me so afterwards; some said they voted it, and did not want the other colored people to know that they voted it, because they said they had been talking to them about voting the Democratic ticket.

Q. How many colored people told you before the election they would vote the Democratic ticket?—A. Three or four.

Q. How many told you after the election that they had voted the Democratic ticket?—A. Five told me afterwards that they had voted it.

Q. Had not that poll, previous to the last election, always given a Republican majority?—A. Yes, sir.

Q. And gave a Democratic majority at the last election for the first time?—A. Yes, sir.

Q. What is about the proportion of white and colored voters in the section?—A. I believe about one hundred and some odd whites, and the balance are colored.

Q. Can't you say in numbers about how many colored?—A. No, there are three hundred voters there.

Q. About how many colored; are there 200 colored voters there? A. No, sir.

Q. Were you not a supervisor at that poll in the election of 1876? A. Yes, sir.

Q. Did they not at that election in keeping the poll-list, distinguish the white from the colored voters?—A. I don't recollect whether they did or not.

Q. Do you not recollect at the election of 1876 the poll-list as kept by the managers of election showed that 76 whites and 200 colored voted at that poll?—A. I don't recollect.

Q. Were the Democrats any more active at the last election at your poll than they were in the previous election when Hampton ran for governor?—A. I believe about the same.

Q. Did not in the Hampton election of 1876 every white man in the section turn out and voted for Hampton?—A. No, sir; not every one I know one that did not.

Q. All but one?—A. I don't know how many others, but I know one that didn't vote.

Q. And that is the only one that you know of?—A. This is the only one I know of, but I don't know how many more there might have been.

Q. Were any tissue tickets found in the ballot-box when it was opened?—A. No, sir.

Q. Then there were only two kinds of tickets, the large Democratic ticket and the large Republican ticket?—A. Yes, sir; no small ticket at all.

Q. With the exception of the three tickets found folded together were all the other tickets in the box found folded singly?—A. Yes, sir.

Q. No tickets found one within the other?—A. No, sir.

Q. When the votes were counted and the managers ascertained that there was an excess of about 80, according to your statement, did they express any surprise?—A. No, sir; they put the ballots all back, and drew the excess out from the ballot-box, and destroyed the ballots they drew them out.

- . Were any steps taken to ascertain how the 80 surplus ballots got the box?—A. No, sir.
- . On what ground were those three or four voters referred to by you ted?—A. For being under age.
- . By whom were they challenged?—A. I think the managers. One hem came from another precinct; he couldn't vote there and came is precinct and attempted to vote, and they would not let him vote; had sent some officers from over there with him, and he said that ad tried to vote at Washington Seminary, and we were informed he was under age, and that was the reason he was rejected.
- . What proof did you have that he was under age?—A. He would swear that he was old enough; we told him if he would swear that as of age we would let him vote.

In reply by G. R. WALKER, counsel for contestee:

- . Did the colored Democrats in your vicinity feel more sure of Dem tic protection in 1878 than they did in 1876?
- (Objected to by contestant as not in reply.)
- . I think they did.

Deposition of G. D. Rast.

ORANGEBURG, So. CA., October 25th, 1879.

he matter of the contest of E. W. M. Mackey against M. P. O'Con nor for a seat in the Congress of the United States.

TE OF SOUTH CAROLINA,
Orangeburg County :

. D. RAST (white), a witness of legal age, produced by contestee due notice to contestant, deposes as follows in reference to ques s propounded by contestee.

uestion. State your age, residence, and occupation.—Answer. I am occupation, a farmer; I have always resided in Orangeburg County.

. An old resident of the county?—A. Yes, sir.

What position did you hold in the election of 1878?—A. I was a rvisor at Washington Seminary poll.

Who was the Republican supervisor?—A. A colored man by the e of Gabriel Whyte.

Were any United States deputy marshals there?—A. Yes, sir; I so.

How many?—A. Two I think.

Were they republicans?—A. I think so.

Who were the managers of election?—A. Mr. Livingston, Mr. Har and Mr. I. L. Rast.

Was the box opened punctually at 6 o'clock?—A. Yes, sir.

Was the box empty?—A. Yes, sir.

And locked empty for the reception of the ballots?—A. Yes, sir.

Did you remain at the poll all day?—A. Yes, sir; with the ex ion when I dined, and the Republican supervisor remained.

Was the Republican supervisor a black man?—A. Yes, sir.

Was he a leading politician?—A. I hardly can tell you; he was a youth.

Was the election conducted fairly and squarely?—A. So far as I see.

Q. From the beginning to the close?—A. Yes, sir.

Q. Were the colored people in large numbers around this poll?—
Yes, sir; pretty much so.

Q. White people also?—A. Yes, sir.

Q. Did many colored people vote the Democratic ticket?—A. I can't
say. I could not tell who voted a Democratic or Republican or
blank ticket unless they showed it to me.

Q. Did they vote an open or folded ticket?—A. A folded ticket.

Q. How many tickets were there that day?—A. Three kinds.

Q. What kinds were they?—A. Two were pretty nearly the same
and one the same size of the tissue ticket.

Q. Did you see the tissue ballot voted?—A. I cannot answer that
because the ballots were all folded, and they had them in their hands;
a person would have to look over another's shoulder to tell whether it
were tissue or any other kind.

Q. Did the colored people express a desire to vote the Democratic
ticket before the election at that precinct?—A. I don't know, because
I had very little to do with politics from the simple fact I know they
are a race of people that like to have their own way about things, and
at least you have to say to them is the best way to get on. I like to
be peaceable and quietly with them, and I never bother them.

Q. Was any votes rejected at that poll?—A. Yes, sir.

Q. How many?—A. Some few.

Q. On what grounds?—A. That they were under age. Now and then
there was one rejected that was likely old enough to vote. It was never
done to see if they knew their age.

Q. Did he prove his age?—A. Yes, sir.

Q. And was allowed to vote?—A. Yes, sir. Those that could not
they refuse to allow to vote—they wouldn't allow them to vote.

Q. Proof was made satisfactory to the managers that they were
of age before they were rejected?—A. Yes, sir.

Q. Did the Republican supervisor make any complaint, or file a
protest?—A. No, sir.

Q. Any time during the election?—A. None that I heard of.

Q. Were you there during the count?—A. Yes, sir.

Q. Was the poll closed at 6 o'clock?—A. Yes, sir.

Q. Was the count conducted fairly and squarely?—A. As far as
I could see.

Q. Were you present at the count?—A. I was there all the time.

Q. Was the Republican supervisor there, too?—A. Right by my side.

Q. Was there an excess of votes in the box over the poll-list?—
Yes, sir.

Q. Do you recollect the number?—A. There was a great number
I could not tell the amount; I could have told it some time ago, but
it has been so long, and I did not know that I would be called upon
to give an account.

Q. Was the excess drawn out perfectly fair?—A. Yes, sir.

Q. When the votes were drawn out, were they destroyed?—A. I
don't know; torn up.

Q. Do you know what proportion of Republican and Democratic
votes were drawn out?—A. No, sir; I could not tell.

Q. Could any one tell?—A. I don't think so; for the manager
drew them out tore them up and threw them down.

Q. Had this poll been a Democratic poll before?—A. I think
the Democratic party had a majority in 1876.

- Q. Do you know or recollect anything about the campaign of 1874, when Mr. Mackey ran against Buttz?—A. Yes, sir; I recollect that.
- Q. Was Mr. Mackey popular at that time with the colored people of your county?—A. I think Mr. Buttz was the most popular.
- Q. Buttz got the majority?—A. Yes, sir.
- Q. And Buttz was a Republican?—A. So said.
- Q. This is the same Mr. E. W. M. Mackey that is the contestant?—Yes, sir.
- Q. Did you join the Republican supervisor in making up a return of the chief supervisor?—A. He joined me.
- Q. Did he join you cheerfully?—A. It was made out, and he voluntarily sat down and signed his name to the return; if there was any objection, I never heard it.
- Q. Were there any stuffed tickets found in the box; I mean tickets put together?—A. Yes, sir.
- Q. About how many?—A. I could not tell you that.
- Q. Any of them Republicans?—A. I don't know.
- Q. You couldn't tell whether they were Republican or Democratic, there were some there?—A. Yes, sir.
- Q. How were they disposed of?—A. When the poll was closed we opened the box and found there were more votes in the box than voters; after counting them over the first time they saw there was an excess of votes in the box; they counted them the second time, and I saw the managers pile the votes up and count them, but I could not tell you who put them in.
- Q. You were in sight of the ballot-box all day?—A. All day, only when I took my dinner.
- Q. Then you left the Republican supervisor there?—A. Yes, sir; when he wished to step out he would tell me, and I would do the same.
- Q. Did you ever come to any conclusion how this excess of votes got into the ballot-box?—A. Not particularly.
- Q. The managers did not tamper with the ballot-box, or any of the officers?—A. Not that I saw.

Cross-examination by E. W. M. MACKEY, contestant:

- Q. On behalf of what party were you appointed a supervisor?—A. I suppose I was appointed by the United States Government.
- Q. To represent what party?—A. To represent the government. I didn't know who proposed my name until I got notice of it.
- Q. Were you not the Democratic supervisor?—A. Of course I belong to the Democratic party, but I don't know whether my name was sent to the United States Government to be appointed a Republican supervisor or a Democratic supervisor, or what.
- Q. For whom did you vote for Congress?—A. I voted for Mr. Minor.
- Q. The Democratic candidate?—A. Yes, sir.
- Q. Were not all three of the managers Democrats?—A. I think so.
- Q. Were any State constables present?—A. I think so.
- Q. How many?—A. I am not able to answer how many.
- Q. About how many?—A. I couldn't tell you how many there were, unless I do not know how many there were. I don't like to say, when I don't know a thing.
- Q. Were more than two present?—A. You are trying to force me to say something that I told you I didn't know about.
- Q. You cannot say whether there were more than one or two?—A. I

told you some were there, but I don't know how many were there, but there were more than one.

Q. Did the United States deputy marshals in any way interfere with the election?—A. Not that I know of.

Q. When did you first see the small Democratic tissue tickets?—A. The morning of the election.

Q. In whose hands did you see them?—A. I saw them on the tables where the ballot-box was and the other tickets, but I don't recollect seeing any Republican tickets on the table. They were kept outside and distributed outside the house.

Q. Who placed these tickets on the table?—A. I cannot answer that.

Q. Were they not placed there by one of the managers?—A. I think not.

Q. Can you remember about what was the excess of votes in the box over the poll-list?—A. No, sir.

Q. You have already stated that it was very large; was it not over 100?—A. I cannot answer; but it was a considerable excess, as far as I recollect.

Q. When the managers found that there were more ballots in the box than persons who had voted, did they express any surprise or take any measures to ascertain how the surplus ballots had got into the box?—A. I don't know. I know it was said, I think by myself and the other supervisor, that the votes had to be counted, and the excessive votes would have to be drawn out.

Q. But were the managers at all surprised at this large excess?—A. I don't know.

Q. Did you hear them express any surprise?—A. I didn't hear them.

Q. You spoke of tickets being found folded together; were they large tickets with small tissue tickets found folded in them?—A. I cannot answer positively about that.

Q. Are not the white and colored voters about equally divided in the section of country in which you live and near the vicinity?—A. There are more colored than whites that vote at that precinct.

Q. Are not the colored people in your section generally Republicans?—A. They have been.

Q. Did you see any colored men vote the Democratic ticket at the last election?—A. I cannot answer that; as I told Mr. O'Connor, I could not speak of any person but myself.

Q. When persons were rejected on account of being under age, did the managers require the persons by whom they were challenged to produce any evidence that these parties were not of age?—A. Yes, sir.

Q. Well, what kind of evidence did they require of them to produce?—A. To prove the date of their birth.

Q. You have misunderstood my question. I did not ask whether the parties challenged were required to produce proof of their age, but about the persons by whom they were challenged; whether they were required to produce any proof that they were not of age.—A. Yes, sir.

Q. What proof was required to produce?—A. He was required to give his age, or prove it by his father, or any one else that knew him.

Q. You mean the person that was challenged was required to prove his own age?—A. Yes, sir.

Q. By whom were these parties challenged? Who did the challenging, one of the managers, or an outsider, or the supervisor?—A. It was not one of the managers. I think it was some of the State constables.

Q. Will you just describe how a voter was challenged, and what was done when the voter was challenged?—A. When he would step up,

He would be asked if he was old enough, and he would tell them us, and they said, we challenge your vote; you must prove your age.

Q. Unless he proved his age he was challenged?—A. Yes, sir.

Q. Were these white or colored persons that were rejected?—A. Some of both.

Q. Were any white persons rejected on account of their age?—A. No, sir; I think they proved their age by others; they proved it by outside parties.

Q. In 1874, when Mr. Buttz and Mr. Mackey ran for Congress, for whom did the Democrats vote?—A. They did not vote for for any one then.

Q. Are you positive about that?—A. Well, I didn't see them put their votes in, or they didn't show me their tickets.

Q. Did not the Democrats vote the Independent-Republican ticket?—Some might have.

Q. Would you like to swear positively that the Democrats of Orangeburg County did not support the Independent-Republican ticket in 1874?—A. No, sir; I would not like to take an oath.

Q. Do you not know positively that in 1874 the Democratic party of Orangeburg, with a few exceptions, as a party supported the Independent-Republican ticket?—A. I could not say.

In reply by M. P. O'CONNOR, contestee:

Q. Did the Republican supervisor acquiesce in the ruling of the managers?—A. He was present, and didn't object that I could see; he seemed to be satisfied.

Q. And there was no doubt they were not of age?—A. Yes, sir; there were some that I would not doubt were not of age.

STATE OF SOUTH CAROLINA,
Orangeburg County:

the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee.

SATURDAY, October 25th, 1879.

Court met pursuant to adjournment, at the court-house, Orangeburg, the State and county aforesaid.

Present, M. P. O'Connor, contestee, and his counsel, Geo. R. Walker; so, E. W. M. Mackey, contestant. The following witnesses were examined, viz: W. L. Wolfe, Jas. Stokes, Wm. C. Wolfe, Edward Carroll, Wm. S. Barton, Thos. Livingston, G. D. Rast.

SEAL.]

J. L. HEIDTMAN,
Notary Public, S. C.

THE STATE OF SOUTH CAROLINA,
Orangeburg County:

the matter of the contested election in the second Congressional district of South Carolina for Representative in the Forty-sixth Congress of the United States, in which E. W. M. Mackey is the contestant and M. P. O'Connor is the incumbent.

I, John L. Heidtman, a notary public within and for the county of Orangeburg and State of South Carolina, do hereby certify that the aforesaid deponents, being duly summoned, to wit, W. L. Ehney, T. W. Leetea, W. F. Phillips, J. J. Jennings, J. D. Cleckley, D. E. Conner, V. Izlar, J. Geo. Vose, P. K. Sasportas, Thos. W. Oliver, T. K. Lane, F. M. Wannamaker, A. J. Horger, Henry Davis, W. T. C. Bates, L. Wolfe, Jas. Stokes, Wm. C. Wolfe, Edward Carroll, Wm. S. Barr, Thos. Livingston, G. D. Rast, produced by said contestee, per-

sonally appeared before me, at the court-house, in the town of Orangeburgh, in the county and State aforesaid, and being first severally cautioned and sworn to speak the truth, the whole truth, and nothing but the truth in the matter of said contested election, gave the foregoing depositions by them respectively subscribed.

That I caused the testimony of said deponents, with the questions propounded to them by the counsel and agents of said parties, to be taken down by a stenographer in my presence and in the presence of said deponents, and of the counsel and agents of said parties, except as hereinafter mentioned.

That the contestant, E. W. M. Mackey, was present at the examination of said deponents, and conducted the cross-examination, and the contestee, M. P. O'Connor, was present, as was also his counsel, Geo. R. Walker, esq., and jointly they conducted the examination.

And I further certify that the examination of said deponents was commenced on the 23rd day of October, 1879, at the court-house, in the town of Orangeburgh, State and county aforesaid, and was continued from day to day until the 25th day of said month included.

And I do hereby certify that the fees of the aforesigned witnesses in behalf of M. P. O'Connor, contestee, and of the notary public and constable, and taking testimony, amount to the sum of two hundred & forty-two 70-100 dollars (\$242.70).

Witness my hand and official seal at Orangeburgh, in the State and county aforesaid, this — day of —, A. D. 1879.

[SEAL.]

J. L. HEIDTMAN,
Notary Public, S. C.

TESTIMONY TAKEN IN CLARENDON COUNTY.

STATE OF SOUTH CAROLINA,
Charleston County:

To Hon. E. W. M. MACKEY,
Charleston, So. Ca.:

You will please take notice that I will examine the following witness^{es}, who reside in Clarendon County, relative to and touching the matters and things set forth in my answer to your notice to me that you would contest my right to a seat in the Congress of the United States, to which I was elected at the general election held November 5th, 1878, for the second Congressional district of the State of South Carolina, before Jno. S. Wilson, notary public, and for the State of South Carolina, No. his office, town of Manning, Clarendon Co., and State aforesaid, the 11th day of November, 1879, to be adjourned from day to day until the examination of the following witnesses shall be completed, between the hours of 10 a. m. and 10 p. m., or so much thereof as may be necessary for the examination of the following witnesses, viz: R. L. Billings, R. Rutledge Dingle, James H. McKnight, Washington W. Benbow, John J. Ragin, J. P. Brock, C. S. Land.

M. P. O'CONNOR,
Per GEO. R. WALKER,
Atty for contestee.

Service accepted.

E. W. M. MACKEY.

5 Nov., 1879.

STATE OF SOUTH CAROLINA,
Clarendon County:

the matter of the contested election in the second Congressional district of South Carolina for Representative in the Forty-sixth Congress of the United States, in which E. W. M. Mackey is the contestant, and M. P. O'Connor is the incumbent.

I, John S. Wilson, a notary public within and for the county of Clarendon and State of South Carolina, do hereby certify that the aforesaid deponents, being duly summoned, to wit: R. H. Belser, R. L. Billups, Rutledge Dingle, Jas. H. McKnight, John J. Ragin, J. P. Brock, C. S. Land, produced by said contestee, personally appeared before me at my office in the town of Manning in the State and county aforesaid, and, being first severally cautioned and sworn to speak the truth, the whole truth, and nothing but the truth, in the matter of said contested election, gave the foregoing depositions by them respectively subscribed.

That I caused the testimony of said deponents, with the questions propounded to them by the counsel and agent of said M. P. O'Connor to be reduced to writing in my presence, and in the presence of said deponents, and of the counsel and agent of said parties, except as hereinbefore mentioned, and caused the said testimony to be carefully read to said deponents, and also to be duly subscribed and attested by said deponents respectively, in my presence.

That the contestant, E. W. M. Mackey, was not present nor represented at the examination of said deponents, and the contestee, M. P. O'Connor, was present by his agent and counsel, Joseph F. Rhause, esq.

And I further certify that the examination of said deponents was commenced on the 11th day of November, 1879, at my office, in the town of Manning, and continued from day to day until the 12th day of the same month.

And I do further certify that the fees of the aforesaid witnesses in behalf of M. P. O'Connor and of the notary public amount to the sum of \$30.⁴⁸/₁₀₀ (thirty ⁴⁸/₁₀₀ dollars).

Witness my hand and official seal, at Manning, in the State and county aforesaid, this 12th day of November, 1879.

[L. s.]

JOHN S. WILSON,
Notary Public.

STATE OF SOUTH CAROLINA,
Clarendon County:

R. H. Belser, R. L. Billups, R. Rutledge Dingle, Jas. H. McKnight, Washington W. Benbow, John J. Ragin, J. P. Brock, C. S. Land, greeting:

You and each of you are hereby summoned to appear before me, at Manning, in county and State aforesaid, on the 11th and the next succeeding days of November, instant, A. D. 1879, between the hours of 8 o'clock a. m. and 6 o'clock p. m., of said days, or so much thereof as may be necessary, by adjourning from day to day, to be then and there examined under oath by me respecting the contest by E. W. M. Mackey for the right of M. P. O'Connor to a seat in the Congress of the United States. You will not fail herein under the penalty of twenty dollars.

Given under my hand and official seal this 3d day of November, A. D. 1879.

[L. s.]

JOHN S. WILSON,
Notary Public.

Deposition of J. H. McKnight.

In the matter of the contest between E. W. M. Mackey, contestant, a
M. P. O'Connor, contestee, for a seat in the Congress of the Unit
States.

STATE OF SOUTH CAROLINA,
Clarendon County:

J. H. McKNIGHT, a witness of legal age, produced by contestee upon
due notice to the contestant, deposes as follows in reference to question
propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am
sixty years of age, live in Clarendon County, and my occupation
farming.

Q. Were you one of the managers of election at the Calhoun box
during the general election held on the fifth day of November, 1878?—
A. I was.

Q. Was Gilbert Henry excluded from the inside of the house behind
the box where the managers were holding the said election in pursu-
ance of any resolution of the said managers, or of any understand-
ing or agreement among them?—A. No.

Q. Could Gilbert Henry not see from the position he occupied at said
election the casting of the votes?—A. He could.

Q. How far was Gilbert Henry from the box in which the votes were
being cast?—A. He was near enough to have placed his hand upon the
box at any time, had he desired to do so.

Q. When the managers suspended the counting of the votes at Cal-
houn box until the next morning, where did you go?—A. I went to my
neighbor's house, about one mile and a half from the polling-place.

Q. Whom did you leave at the polling-place?—A. There were remain-
ing between seventy-five and one hundred persons on the grounds when
I left; at least three-fourths of whom were negroes, who were build-
ing fires with the intention apparently of spending the night near the build-
ing in which the election was held.

Q. When did you return to the polling-place?—A. On the next day
after the day of the election, early in the morning.

Q. On your return the next morning did you see any persons at the
polling-place?—A. I saw six or eight negroes there, who appeared
to have remained there through the night.

Q. What led you to conclude that these negroes had remained at the
polling-place during the previous night?—A. I drew my conclusion
from the tramped appearance of the ground around the fires, which
were still burning when I got there, and from the general appear-
ance of the negroes.

JAS. H. McKNIGHT

Sworn to before me this 12th day of November, 1879.

JOHN S. WILSON,
Notary Public

Deposition of R. R. Dingle.

In the matter of the contest between E. W. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,*Clarendon County :*

R. R. DINGLE, a witness of legal age, produced by contestee upon due notice to the contestant, deposes as follows in reference to questions propounded by contestee :

Question. State your age, residence, and occupation.—Answer. I am forty-eight years of age, live in Clarendon County, and my occupation is farming.

Q. Were you one of the managers at the Calhoun box during the general election held on the 5th day of November, 1878 ?—A. I was.

Q. Was Gilbert Henry excluded from the inside of the house behind the box where the mananers were holding the election in pursuance of any resolution of the said managers or of any understanding or agreement among them ?—A. No.

Q. Could Gilbert Henry not see from the position he occupied at said election the casting of the votes ?—A. He could.

Q. How far was Gilbert Henry from the box in which the votes were being cast ?—A. He was near enough to have placed his hand upon the box at any time had he desired to do so.

Q. When the managers suspended the counting of the votes at the Calhoun box until the next morning, where did you go ?—A. I went home—about five miles from the Calhoun polls.

Q. Whom did you leave at the polling place, or near it ?—A. When I left all the whites had already gone and those remaining were negroes, a considerable number of whom were standing about fires near the building in which the election had been held.

R. RUTLEDGE DINGLE.

Sworn to before me this 12th day of November, 1879.

JOHN S. WILSON,
Notary Public.

Deposition of R. L. Billups.

In the matter of the contest between E. W. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,*Clarendon County :*

R. L. BILLUPS, a witness of legal age, produced by contestee upon due notice to the contestant, deposes as follows in reference to questions propounded by contestee :

Question. State your age, residence, and occupation ?—Answer. I am thirty-eight years of age; live in Clarendon County, and am a school-teacher.

Q. Who were the managers of election at the Calhoun box at the general election held the fifth of November, 1878.—A. James H. Mc-Knight, R. R. Dingle, and this deponent.

Q. Was Gilbert Henry excluded from the inside of the house, behind the box, where the managers were holding the said election in pursu-

ance of any resolution of the board of managers of election, or of understanding or agreement among them?—A. No.

Q. Could Gilbert Henry not see from the position which he occupied at said election the casting of the votes?—A. He could. He could well see everything that was going on about the box.

Q. Were the votes counted on the day of election?—A. They were not.

Q. Why were they not counted; and state all the circumstances connected with the omission to count?—A. A space of several hours: closing the polls passed before the poll-list was obtained. H. C. Tis the clerk of the supervisor, to whom the poll-list had been given for purpose of copying it for the supervisor, refused for some time to put up the list; and pretended, when asked for it, that he had already given it up; and it was only obtained from him by means of threats. It was then quite late, and under the circumstances the managers, deeming that they had the right to do so, agreed with the supervisor to adjourn the counting until the next morning. The managers gave the supervisor the choice of keeping the key of the box containing votes, or the box itself. The supervisor concluded that he would take the key of the box, and it was delivered to him, the box being locked and sealed. The box was then placed in the building where the election had been held; the windows thereof were fastened, the front barred, and the entrance-door at the rear locked; and the key of the last mentioned door handed to this deponent, who went away from the building leaving it secure, as he thought. This deponent kept the box in his possession during the night, and found on going to the building early next morning that it had been broken open, entered by some son or persons unknown to this deponent, and the box containing votes carried off. I found that one of the windows of the building had been forced open with a crow bar, or some similar instrument, and presume that the person or persons who carried off the box entered through that window.

Q. Did you, previous to the carrying away of the said box have knowledge that the same would be done or attempted?—A. I did not.

Q. Did you, in any way, aid or lend your assistance to the carrying off of the said box?—A. I did not.

Q. Do you know who carried off said box?—I do not.

R. L. BILLINGSLEY

Sworn to before me this 11th day of November, 1879.

JOHN S. WILSON,
Notary Pub

Deposition of John J. Ragin.

In the matter of the contest between E. W. M. Mackey, contestant, M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,
Clarendon County:

JOHN J. RAGIN, a witness of legal age, produced by contestee upon notice to the contestant, deposes as follows in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. thirty years old; live in Summerton, in Clarendon County; my occupation is farming.

Q. State whether or not you attended the general election of 1878; and, if so, where?—A. I did; at Calhoun box, in Clarendon County.

Q. How long were you at the Calhoun box, and on what day?—A. I was at the Calhoun box from eight o'clock in the morning until about nine o'clock at night, except the hours of dinner and supper, which was about one-half hour each; the day being the 5th day of November, 1878.

Q. Did you see Gilbert Henry at the Calhoun box on the day of election?—A. I did.

Q. Was any force or violence used by any one towards the said Gilbert Henry on the day of the election?—A. There was none.

Q. While you were at said box, did Gilbert Henry attempt to go behind the box where the managers were?—A. He did not.

Q. Where was said election held?—A. It was held in the front end of a vacant store.

Q. Were there any obstructions across the door of said building?—A. Two empty flour barrels were placed on the inside of the door and a window shutter about 18 inches wide was placed across the top of the barrels for the box in which the votes were cast to rest upon.

Q. Was there any space between the barrels and the door for standing room?—A. There was; the barrels were so placed as to leave standing room in front of them and between them and the doorway.

Q. What position did Gilbert Henry occupy during the election?—A. He stood on the space between the barrels and the doorway.

Q. How near to the box was Gilbert Henry?—A. He was near enough to touch it at any time.

Q. Were the votes counted at said box on the day of election?—A. They were not.

Q. Why were they not counted?—A. There were prospects of a disturbance, and so much were the managers and supervisors impressed with the idea that there would be a row they agreed, after preparing for the count of the votes, to adjourn until next morning and then resume their duties.

Q. Did the managers and supervisors carry out their agreement to adjourn?—A. They did, and left the place.

Q. Do you know who had possession of the key of the ballot-box after the adjournment?—A. Gilbert Henry had the key.

Q. After the retirement of the managers and supervisors did any one remain about the building in which the election was held?—A. I was among the last of the whites that left and there remained about the building about twenty-five or thirty negroes, who appeared to be making reparations to spend the night there.

Q. Have you at any time conversed with Gilbert Henry about what took place on the day of election?—A. Yes.

Q. When and what did Gilbert Henry say?—A. Had a conversation with Gilbert Henry on the morning after the election, in which he said that if the counting of the votes had not been suspended on the evening previous, in accordance with the agreement made between himself and the managers, there would have been a disturbance; and that the managers had offered him the box or the key of the box to take care of, and he "choosed" the latter.

JOHN J. RAGIN.

Sworn to before me this 11th day of November, 1879.

JOHN S. WILSON,
Notary Public.

Deposition of J. P. Brock.

In the matter of the contest between E. W. M. Mackey, contestant, and M. P. O'Connor, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Clarendon County:

J. P. BROCK, a witness of legal age, produced by contestee upon due notice to the contestant, deposes as follows, in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am thirty-two years of age; live in Clarendon County, and am a farmer.

Q. Where were you on the 5th day of November, 1878?—A. Was at the Calhoun box, in Clarendon County.

Q. How long did you remain there?—A. From early in the morning until about 9 o'clock at night.

Q. Did you see Gilbert Henry there?—A. I did.

Q. Did he appear satisfied with his position in reference to the box?—A. He did; I heard no complaint on his part.

Q. Who acted as clerk for Gilbert Henry?—A. Henry Tindal.

Q. What is Henry Tindal's reputation in the community in which he lives?—A. Very bad.

Q. Would you believe Henry Tindal on his oath?—A. I would not.

Q. Were the votes counted?—A. They were not.

Q. State, if you know, why they were not counted, and the circumstances attending the omission to do so.—A. The poll-list having been detained by Henry Tindal, the clerk of Gilbert Henry, and only delivered up by him after great efforts had been made to obtain it, and under threat of prosecution, the hour being late, and there being prospects of some disturbance, and two of the managers (McKnight and Billups) complaining of being sick, the managers and supervisor agreed to adjourn the counting of the votes until the next morning; the managers giving to the supervisor the option of keeping the key of the box in which the votes were deposited, or the box itself, and he chose to keep the key. The box was then placed in the building where the election had been held, the windows thereof were fastened, the front door barred on the inside, and the rear door locked, and the key of the door turned over to Mr. R. L. Billups, one of the managers.

Q. When you left the place where the election had been held, did you leave any person or persons there?—A. A considerable number of persons remained around the building in which the election had been held, after I left there; and the crowd being composed mostly of negroes.

Q. Did you, any time while at the Calhoun box, see any armed white men?—A. I did not.

J. P. BROCK.

Sworn to before me this 11th day of November, 1879.

JOHN S. WILSON,
Notary Public.

Deposition of R. H. Belser.

matter of the contest between E. W. M. Mackey, contestant, and P. O'Connor, contestee, for a seat in the Congress of the United States.

OF SOUTH CAROLINA,
Clarendon County :

I. BELSER, a witness of legal age, produced by contestee upon notice to the contestant, deposes as follows, in reference to questions propounded by contestee:

Question. State your age, residence, and occupation.—Answer. I am one years of age; live in Clarendon County ; and my occupation nothing.

Did you attend the last general election held on the 5th day of November, 1879 ; and, if so, where ?—A. I did at Calhoun box, in Clarendon County.

How long were you there ?—A. From about eleven o'clock in the evening until the managers adjourned.

Did you observe any unfairness in the conduct of said election ?—A. I did not.

Did you see Gilbert Henry there; and in what capacity did he appear to be acting ?—A. I saw Gilbert Henry there; and he appeared to be supervisor.

Did Gilbert Henry complain of having been denied admittance to the place where the managers were sitting ?—A. He did not; but appeared to be perfectly satisfied with his position.

Had Gilbert Henry been behind the box where the managers were, he have scanned or viewed the votes to a greater advantage ?—A. He did not; in the position which he did occupy the supervisor had opportunity to see and scrutinize the voting.

When you left Calhoun box on the day of the election, did you observe any persons remaining there ?—A. Yes.

Who were they ?—A. There were a considerable number of persons, all of whom were negroes.

What were those persons doing ?—A. The negroes had built large and appeared to be preparing to spend the night there; and the whites whom I left were themselves getting ready to leave.

Who acted as the clerk for the supervisor on the day of the election ?—A. Henry C. Tindal.

What is Henry C. Tindal's general reputation ?—A. Very bad.

Would you believe Henry C. Tindal on oath ?—A. I would not.

R. H. BELSER.

Sworn to before me this 11th day of November, 1879.

JOHN S. WILSON,
Notary Public.

Deposition of C. S. Land.

In the matter of the contest between E. W. M. Mackey, cestator
M. P. O'Connor, contestee, for a seat in the Congress of the
States.

STATE OF SOUTH CAROLINA,
Clarendon County:

C. S. LAND, a witness of legal age, produced by contestee upon
notice to the contestant, deposes as follows in reference to what
propounded by contestee:

Question. State your age, residence, and occupation.—Answer:
forty-four years; residence, Foreston, Clarendon County; occi
merchant and naval store manufacturer.

Q. Who composed the board of commissioners of election and
of county canvassers for the county of Clarendon during and a
general election held on the 5th of November, 1878?—A. C. S. Land,
deponent, Junius E. Scott, and John Wragg, the first two name
men, and the last named a colored man.

Q. As such commissioner of election and canvasser of the
state whether you observed anything peculiar about the return
Foreston poll.—A. On examination of the returns, we found nothing
given for E. W. M. Mackey for Congress.

Q. Are you enabled to say how such omission occurred?—
managers had stated to me that Mackey got one hundred and
five votes, and on examining the box found that he had one hundred
and twenty-five votes, and so returned them for him; the omission
evidently a clerical one.

Q. How did your board remedy the omission?—A. By returning
Mr. Mackey and setting down opposite his name on the return
board of canvassers the number of votes which we found by counting
the Foreston box he was entitled to.

C. S. L.

Sworn to before me this 11th day of November, 1879.

JOHN S. WILSON
Notary F

TESTIMONY IN REBUTTAL BY CONTESTANT.

Notice to take testimony in rebuttal in Charleston.

STATE OF SOUTH CAROLINA,
Charleston County:

To Hon. M. P. O'CONNOR, *Charleston, S. C.:*

You will please take notice that I will examine the following
witnesses relative to and in rebuttal of the evidence produced by
support your answer to my notice to you that I would contest your
to a seat in the Congress of the United States to which you claim
have been elected at the general election, held November 5th, 1878,
the second Congressional district of the State of South Carolina.
E. H. Hogarth, esq., a notary public in and for the State of South
Carolina, at No. 40 Broad st., city of Charleston, county and State
said, on the 24th, 25th, 26th, 28th, 29th days of November, and

3d, 4th, and 5th days of December, 1879, the examination of the witnesses to begin at the hour of 10 a. m. on November 24th, 1879, and to be adjourned from day to day until the examination of the witnesses so far named shall be completed, to wit: W. N. Taft, C. C. Bowen, J. M. Freeman, jr., L. F. Wall, Benj. Mills, John Nesbit, A. E. Philippy, E. Elliott, W. J. McKinlay, C. Smith, Wm. Wright, —— Ladson, J. H. Ostendorff, W. H. Thompson, Thos. Aiken, R. E. Savage, N. Gant, B. F. Smalls, C. B. Gailliard, A. P. Ford, W. E. Burke, J. W. Polite, N. Robinson, W. H. Robertson, J. J. Young, J. A. Williams, W. J. Brodie, L. Bell, Eli Gaskins, P. W. Lewis, O. W. Matthews, P. J. Lindau, M. Brown, David L. Brown, W. H. Ahrens, Chas. Green, D. C. Bull, Jas. Green, —— Hamilton, James Robinson, Henry Norris, Garret Byrnes, Louis Dunneman, W. R. Marshall, F. M. Johnstone, Cephas Lewis, Jas. Collins, J. J. Lesesne, W. J. Murrell, W. M. Thomas, A. T. Carr, B. F. Porter, Henry Simons, Nelson Richardson, M. B. Salter, Lazarus Clayton, Rob't Williams, Isaac Harris, John S. Everett, James F. Dart, and T. H. Jones.

Respectfully,

E. W. M. MACKEY.

Service accepted Nov. 21st, 1879.

M. P. O'CONNOR.

Subpœna writ for witnesses.

STATE OF SOUTH CAROLINA,
Charleston County:

W. N. Taft, C. C. Bowen, J. M. Freeman, jr., L. F. Wall, Benj. Mills, Jno. Nesbit, A. E. Philippy, W. E. Elliott, W. J. McKinlay, C. Smith, Wm. Wright, J. H. Ostendorff, W. H. Thompson, Thos. Aiken, R. E. Savage, N. Gant, B. F. Smalls, C. B. Gailliard, A. P. Ford, W. E. Burke, J. W. Polite, N. S. Robinson, W. H. Robertson, J. J. Young, J. A. Williams, W. J. Brodie, L. Bell, Eli Gaskins, P. W. Lewis, O. V. Matthews, P. J. Lindau, M. D. Brown, D. L. Brown, W. H. Ahrens, Chas. Green, D. C. Bull, Jas. Green, Jas. Robinson, Henry Norris, G. Byrnes, Louis Dunneman, W. R. Marshall, F. M. Johnstone, Cephas Lewis, Jas. Collins, J. J. Lesesne, W. J. Murrell, W. M. Thomas, A. T. Carr, B. F. Porter, Henry Simons, N. Richardson, M. B. Salter, L. Clayton, Rob't Williams, Isaac Harris, Jno. S. Everett, Jas. F. Dart, and T. H. Jones.

You and each of you are hereby summoned to appear before me at 40 Broad st., city of Charleston, county and State aforesaid, on the 24th, 25th, 26th, 28th, and 29th days of November, and the 3d day of December, A. D. 1879, at 10 o'clock a. m., to be then and there examined under oath by me respecting the contest between E. W. M. Mackey and M. P. O'Connor, for a seat in the 46th Congress of the United States.

I herein fail not on pain of the penalties that will fall thereon.
Given under my hand and official seal at Charleston, So. Ca., this 18th day of November, A. D. 1879.

SEAL.]

E. H. HOGARTH,
Notary Public, So. Ca.

CHARLESTON COUNTY.

Deposition of William N. Taft.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor:

STATE OF SOUTH CAROLINA,
Charleston County :

WILLIAM N. TAFT, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to question propounded by the contestant:

Question. State your age, residence, and occupation. Answer.—~~N.~~ I am 32; residence, 27 Rutledge street, Charleston, S. C.; occupation attorney at law.

Q. Are you at present a member of the State senate?—A. I am.

Q. You are senator from Charleston County?—A. Yes; elected 1876 for four years.

Q. Did you take any part in the election of 1878?—A. I did.

Q. Did you canvass Charleston County?—A. I did, in company with Sheriff C. C. Bowen and Col. E. W. M. Mackey. We made two canvasses.

Q. Will you just state in general what kind of canvass of Charleston County was made by the Republicans?—A. The first canvass was made in July and August, 1878. Sheriff C. C. Bowen, Col. E. W. M. Mackey and myself started out for the purpose of making a thorough canvass of Charleston County prior to the meeting of the State convention. On John's Island, to which we first went, we held two meetings; on Wadmalaw Island, one; on Edisto Island, one; at Black Oak, one; at Strawberry Ferry, one; at St. Stephen's, one; at Calamus Pond, one; in St. Andrew's Parish, one; and in Christ Church Parish one, at that time I think. We went to St. James Santee for the purpose of holding meeting, but we arrived too late, having been delayed in Bull's Bay, but the meeting was held; that is, the meeting was held at 12 o'clock and we arrived at 4 o'clock. There may have been one or two other meetings that were held that I cannot now remember.

Q. Was there any meeting held at Biggins' Church?—A. Yes, there was one held at Biggins' Church; a very large meeting. In fact, thorough canvass of the county was made for the purpose of electing delegates to the county convention, called for the purpose of electing delegates to the State convention, which was about to be held.

Q. Were there not meetings held at every precinct for the purpose of electing delegates to the county convention?—A. Yes, at every precinct in the parishes meetings were held for that purpose. The three of us were present at all these meetings for the purpose of explaining the reason why these meetings were held. Mr. Bowen was county chairman.

Q. When was the second canvass of the county made?—A. After the State convention; I think in the month of September. We commenced about the latter part of September, and by the 23rd of October we had made the same thorough canvass of the county, the three of us together. At each of the meetings delegates were elected to the county convention which was to nominate county officers and elect delegates to the Congressional convention. In addition to the places already stated we held meetings at Dean's Swamp, which is in the upper part of St. James; Goose Creek; at Red-top Church, in St. Andrew's, at which only two

us were present, Mr. Bowen being ill; at Moss Swamp, in St. James Santee, and at Wappetaw Church.

Q. Was there any meeting held at Whaley's Church, in St. James Goose Creek?—A. Yes, at Whaley's Church.

Q. Was not a meeting held there in both canvasses?—A. There was —the last canvass was more thorough than the first, because it was the final canvass, and I think it is fair to say we saw all the voters.

Q. Did you ever canvass Charleston County in previous political campaigns?—A. I did.

Q. How did the meetings held by the Republicans in the canvass of 1878 compare in enthusiasm and numbers with those held in previous campaigns?—A. The meetings in 1878 were more fully attended and more enthusiasm was exhibited than I had ever seen during any campaign in the county of Charleston. In fact I never saw so much interest manifested by the Republicans of Charleston County as in that campaign.

Q. From anything that occurred during those two canvasses made in 1878, had you any reason to believe that the Republicans had abandoned their organization and had become Democrats?—A. On the contrary, they seemed to be more firm in their political convictions. In numerous instances colored men who had voted the Democratic ticket in 1876 and openly they would vote the Republican ticket from that time out. I can say further that at the time the campaign closed there was every indication that a larger Republican vote would be cast in Charleston County than ever before.

Q. In the canvass that was made—the last canvass—for the purpose of electing delegates to the county convention, which was to elect delegates to the Congressional convention, was there any discussion in regard to the Congressional nomination, or any contest as to whom the delegates who were to be elected should support for the nomination for Congress?—A. It was never mentioned on the stump. There was a distinct understanding between us that it should not be mentioned, but that the whole matter should be left to the convention, and that whoever should receive a majority of the votes of the convention should be nominated.

Q. That was the understanding in the election of delegates to the convention?—A. It was.

Q. After the nomination of Mr. Mackey for Congress, did you become dissatisfied and refuse to support the Republican nominee?—A. I will say I was not dissatisfied; of course I had the natural feeling that a defeated candidate has at that time, but I did everything in my power to elect the nominee of the party.

Q. Had you at any time previous to the nomination threatened that if you were not nominated you would support Mr. O'Connor?—A. On the contrary, I said I would not support Mr. O'Connor, but would support any regular Republican nominee. I never have, and I never shall, support a regular Democratic candidate; with me it is a question of party, and I shall always stand to my party. The fact is, I took an active part in securing the election of the Republican nominee.

Q. Did you do all that laid in your power to secure the election of the Republican nominee?—A. I did everything that an honorable man could do to elect the Republican nominee.

Q. Was Mr. Bowen, dissatisfied because you were not nominated, and did he refuse to support the Republican ticket?—A. That he was disappointed because I was not nominated is true, but that he was dissatisfied and did not support the Republican nomination is not true. I was his house all the time—in fact lived there, and I ought to know.

Q. Did Mr. Bowen, after the nomination by the Republican convention, either give a secret or open support to Mr. O'Connor?—A. Not to my knowledge. If there was any secret support given, all knowledge of it was withheld from me.

Q. But is it possible that he could have done so, without your knowing it?—A. It is possible, but not probable. I can say this: Mr. Bowen has always been a party man, and has always supported the party nominees.

Q. Do you know Mr. C. W. Montgomery, who was one of the commissioners of election for Charleston County?—A. I do.

Q. Do you know whether or not he is a Republican?—A. Not so considered; he was known to the leaders of the Republican party as being in sympathy with the other side.

Q. Had he ever acted with the Republican party in Charleston County?—A. Not to my knowledge.

Q. Were not the Republicans opposed to his appointment as their representative on the board of commissioners of election for Charleston County?—A. Most strenuously opposed. I will say in that connection that I remonstrated with Gov. Hampton against appointing him, on the ground that he was not in sympathy with us.

Q. Did Mr. Montgomery ever request you to furnish a list of Republicans for appointment as managers?—A. I had one or two conversations with Mr. Montgomery on the subject, and he informed me that he was determined there should be fair play. At one of our interviews he stated to me that he was going to insist upon there being a Republican manager appointed at each precinct. Subsequently, when the board organized, Mr. Montgomery came to me, I think, and told me the board were to meet the next day, and asked me to furnish him with a list of Republicans we desired appointed as managers. I furnished him a list prepared by Col. Mackey, Mr. Bowen, and myself; none of the list were ever appointed, and no reason ever assigned for the failure to make the appointments.

Q. Were the men nominated by the Republicans for managers at each of the polls, competent and intelligent men?—A. They were; great attention was paid to that fact; we did not desire to have them thrown out on the ground of being incompetent persons.

Q. Were they as competent as the men who were appointed?—A. I knew every man personally, and I think they would have compared favorably with those that were appointed.

Q. Was it not contrary to all precedents to appoint the manager election entirely from one party, without giving any representation whatever to the other party?—A. I don't know whether I can answer that question, for politics had been in a sort of anomalous condition for some time, and it was hard to tell what party the men belonged to; but every election since 1870, where there has been a straightout Republican and Democratic ticket, both parties have been represented.

Q. In whose hands was the appointing power then?—A. The Republicans.

Q. In 1876, in whose hands was the appointing power?—A. In the hands of the Republicans.

Q. In 1876, was not one of the commissioners of election for Charleston County a Democrat, and one of the managers at each poll a Democrat?—A. They were.

Q. In the last election—that of 1878—did the Republicans make any exertions to have a Republican commissioner appointed for this county?—A. They did.

1. Will you please state what you know in that connection?—A. Being
ember of the senate from Charleston County, my duties threw me in
1 Governor Hampton, and on several occasions Governor Hampton
l me voluntarily, speaking about the election of 1878, that there had
a frequent requests made of him by certain Democrats in Charleston
nty to appoint commissioners of their choice; he said they wanted
ontrol the commissioners in Charles County, and by that means con-
the election; he said that he would not appoint those persons, but
t his appointments would be a sufficient guarantee in every county in
State; he said that he should appoint a representative Republican
ach county, and that the other two men would be Democrats in whom
Republicans and all the people would have confidence. During the
th of April, Sheriff Bowen and myself were going to New York,
we stopped in Columbia and called on Governor Hampton, and he
l to Sheriff Bowen and myself the same thing; I again called upon
before the State legislature met, and he told me the same thing; he
, in fact, appointed Mr. John Agnew in Columbia, and asked me what
ought of it; and I told him I thought it was a good appointment.
). Don't you know that the Republican chairman of this county did rec-
ned to Governor Hampton a gentleman for appointment as the Repub-
n representative on the board of commissioners of election?—A. I
he consulted me in regard to it. Speaking of the appointment of
missioners of Charleston County, Governor Hampton said that Mr.
st said that "if he had the naming of the commissioners for Charles-
County, he didn't care how many votes were cast, the Democratic
et would be elected," and he added that Mr. Buist would not have
naming of the commissioners.

). Were not expressions of the kind related by Gov. Hampton as
ing been made by Mr. Buist, in regard to Charleston County, pre-
ft throughout the State in the other counties?—A. Not only in
reston County, but throughout the State. I said when I saw the
outment of the commissioners that it was of no use for the Repub-
ns to continue to carry on the canvass, as the intention to count out
Republicans was evident. I had a conversation with Gov. Hamp-
and told him that he had appointed those commissioners for that
pose, and for that alone.

). It has been stated that the Republicans had tissue ballots printed.
l you state what you know in connection with the printing of tissue
ots by the Republicans?—A. In the opening of the campaign we
ected to meet the Democrats everywhere on the stump. We held
enthusiastic meetings, and as they failed to meet us, we thought
must be up to something. They only met us on three occasions on
last canvass, and two on the first, and it was the common talk on
streets that no matter how many votes we got we were to be beaten.
act the Democratic speakers told the people so on the stump. They
them so at Black Oak and at Strawberry Ferry, that they had bet-
come on the winning side. Finally it came to our ears that the
ocrats were going to use tissue ballots. Either on Saturday or
day nights before the election Col. Mackey came to Mr. Bowen's
se, and related to us that he had received information from a Demo-
that a large number of tissue ballots had been printed and were
e used at the election for the purpose of stuffing the ballot-boxes,
he asked our advice as to what should be done. From the infor-
ion received we were satisfied that the intention of the Democrats
to create an excess in every ballot-box, and when the excess of
ots were to be drawn, the managers could tell by feeling what votes

they were drawing out. Sheriff Bowen's advice was, to have publican tickets printed in the same way, so that in taking out lots they could not tell the difference. My advice was to inform Buist about it, in order that he might be aware that we knew the scheme. It was finally agreed that Col. Mackey should inform Buist, and also have posters, exposing the plan, put up in the city in order to try to get the Democratic party to desist; but I am sorry to say it did no good. Col. Mackey attended to the printing of the ballots, as he was the principal candidate, and he had the bearing of the expenses.

Q. Did not Mr. Mackey have charge of the sending out of all lots to the various precincts?—A. He had.

Q. Did not Mr. Bowen, as chairman of the county, turn that part of the work over to Mr. Mackey?—A. He did.

Q. Were you in the city of Charleston on the day of the election?—A. I was.

Q. Can you state why the voters from St. Andrew's Parish were brought to the city of Charleston to vote instead of voting in the parish in which they lived?—A. At the preceding session of the legislature the bill was passed reducing the number of polling precincts, and the polling precincts in St. Andrew's were left out. When the bill was sent to the house and came to the senate, I had the former precincts of St. Andrew's restored; but through some unexplained reason, this bill was signed by the governor, the polling precincts of St. Andrew's did not appear in the bill, and therefore the people of St. Andrew's had no polling precinct at all, and were compelled to vote in the city of Charleston by directions of Col. Mackey, Sheriff Bowen myself.

Q. Were there any complaints during the day that the voters of the city throughout the city were refusing to allow those from St. Andrew's to vote?—A. Hundreds of them complained. The fact is, I saw many of them that came to me and complained that they were not allowed to vote. I will state that the people of St. Andrew's Parish can vote in the city of Charleston by directions of Col. Mackey, Sheriff Bowen myself.

Q. Was the increase of the city vote due to the fact that the voters from St. Andrew's and St. James, Goose Creek, swelled the vote to such extent?—A. I should think that by the striking out of those two precincts the votes of the city should have been from twelve to one hundred larger than at any other election, provided all the voters of those precincts were allowed to vote at the city polls. I have no knowledge of knowing how many voted in the city, but I believe, however, that few who presented themselves were allowed to do so.

Q. Do you know Mr. John M. Freeman?—A. I do.

Q. Do you know what is his general character?—A. I never heard anything against him, no more than I have heard against others. I know that when he was a member of the legislature he was highly praised by the Democratic press, and I know the Democrats voted for him in 1874.

(It being agreed that all objections on the part of contestants to the competency of the question propounded to the witness should be waived at the end of the direct testimony, contestee now objects to the last portion of the testimony just submitted by this witness as not forming a part of contestant's ground of contest, and all testimony in this particular is supplemental and not rebuttal,

contestee is precluded from replying; that all testimony with regard to the canvass should have been introduced in chief; and that all testimony with regard to voters from parishes lying outside of the city of Charleston should have been also introduced in chief. And contestee further objects to all the testimony of this witness in which he undertakes to testify as to declarations made by other parties not parties to this contest, as being hearsay and not competent.)

Cross-examination by Mr. P. O'CONNOR, contestee:

- Q. Where were you born?—A. Providence, Rhode Island.
- Q. When did you come to South Carolina?—A. I arrived in South Carolina March 6, 1862.
- Q. In what capacity did you come here?—A. As a soldier in the United States Army.
- Q. In what regiment?—A. The 3rd Rhode Island Heavy Artillery.
- Q. Have you remained in this State from that time to the present?—A. I have.
- Q. When did you resign your position in the Rhode Island Battery?—A. I was finally mustered out on the 3rd of February, 1865.
- Q. Did you enter upon any other position?—A. Yes.
- Q. What was it?—A. Superintendent of the Charleston Arsenal.
- Q. How long did you hold that position?—A. For about one year.
- Q. Did you resign from that position?—A. I did.
- Q. What was the next position you held?—A. I was then speculating in government stores, as agent for E. B. Cutelry & Co., No. 15 Kilbey street, Boston.
- Q. When did you cast your first vote in Charleston?—A. I did not cast my first vote in Charleston; I cast my first vote in Colleton County; my first vote was cast in April, 1868.
- Q. Had you lived any length of time in Colleton County?—A. No, sir.
- Q. How long had you been residing there previous to casting that vote?—A. I did not reside there at all.
- Q. How did you come to vote there?—A. I was registered under a military order. Under the military order a certificate given to any person that they had registered, they were allowed to vote in any other county if they were there.
- Q. You did vote in Colleton County but was still a resident of Charleston County?—A. Yes; still a resident of Charleston County.
- Q. When did you terminate your connection as agent with the commercial house of which you have just spoken?—A. I think it was in the fall of 1867.
- Q. When did you first hold any position under the State or city government?—A. I was elected lieutenant of police in 1869.
- Q. Under the administration of Mayor Pillsbury?—A. Yes.
- Q. That government was a Republican government?—A. Yes, it was.
- Q. How long did you hold that position?—A. One year and four months.
- Q. What induced you to resign?—A. I was elected coroner for Charleston County.
- Q. In what year?—A. 1870.
- Q. By the Republican party?—A. By the Republican party.
- Q. How long did you hold that office?—A. I held that office for two years.
- Q. What was the next position you held?—A. County auditor for Charleston County.

Q. Elected by the Republican party?—A. Appointed by Gov. Mc and confirmed by the senate.

Q. How long did you hold that office?—A. For three years and six months.

Q. What was the next office you were elected to?—A. Alderman of the city of Charleston, in 1873.

Q. How long did you hold that office?—A. For two years.

Q. What is the next office you held?—A. The next one of any more was State senator.

Q. Have you held any military position in this State?—A. I have.

Q. What is it?—A. I was colonel of the National Guards and afterwards brigadier general of the National Guards.

Q. What class of troops were the National Guards composed of?—The rank and file were colored.

Q. Field and staff?—A. Partly colored; you might say mixed, white and colored.

Q. Have you not been an active partisan of the Republican party? A. What do you mean by that?

Q. Have you not been an active partisan of the Republican party from the time you entered political life here?—A. I have; I believe I have been so considered.

Q. Since you have been 21 years of age?—A. Yes.

Q. Was not every administration of this State by the Republican party from the first election in 1868, when R. K. Scott was elected, down to the election of 1876, cursed by corruption?—A. I don't think so; fact is, I think to the contrary.

Q. Was not the administration of R. K. Scott, from 1868 to 1870, commonly known and spoken of as a corrupt administration?—A. Whether there is considerable room for doubt upon that point; it was known amongst a certain class as being corrupt, very corrupt, and no doubt there were some who thought differently, but I cannot speak of the things which were not so bad until 1870.

Q. Was not corruption widespread from 1870 to 1872?—A. It was among both parties.

Q. Was not the administration from 1870 to 1872 criminally corrupt? A. I don't think a general answer to your question would convey the idea; in some things, yes; in some things, no; take the legislature from 1872 to 1874, it was not so bad. Moses was very bad, and knowing him as well as I do, it would not have surprised me if he had done more than he did, and I can very well account for it, from the fact that he did not get his part of the strikes he made.

Q. Have not the disclosures of the State government under the Republican rule been of a startling character to the whole public?—Yes; but it took in both parties. I might add, by way of parenthesis, that there were men of the other party who were just as lawless.

Q. I am not speaking of other parties, but those parties that administered the government.—A. The parties that administered the government were very corrupt.

Q. Was not the chairman of the well-known investigating committee that brought out the startling disclosures of the State government prior to 1876 a Republican?—A. No, sir; I don't consider him so.

Q. Was he not elected to the position by the Republicans?—A. He was elected in a county where there was a majority of twelve hundred Democrats.

Q. Was he not running on the Republican ticket?—A. He ran on both tickets. There was a strict understanding on the floor of the

a Republican should be appointed, but there never was one did. In fact, no Democrat would have abused his friends as he claims to be a Republican. He supported Hampton in 1876. You not know, Mr. Taft, of Republicans in this State voting the Republican ticket, and still claiming allegiance to the party, on the ground of the corruption of the administration of the government and with a view of effecting a change in the government?—I say candidly to my mind I heard of no man that has been ed as a Republican that voted the Democratic ticket on that

u don't believe Gov. Hampton got any Republican votes at Yes, I do; but to every one hundred he claims he did not get

u do believe he got Republican votes?—A. Yes; and Cham-
got Democratic votes too.

ill you please name one of the Democratic votes he got?—A. I don't care to give their names.

you not know that there has existed a feud in the Republican this county between one wing claim' to be led by Mr. Mackey ther led by Mr. Bowen?—A. I do; but it was healed up in the n of 1876. I was instrumental in healing it up. The party was n 1876. Col. Mackey, Sheriff Bowen, and myself ran on the ket.

hen you canvassed the county in 1878, were you not at that king the nomination of that party as their candidate for Con-

A. I was.

is not Mr. Bowen supporting you?—A. He was.

you know it as a fact that the feud that had been previously just described, was at that time healed?—A. I can best illus-
by the result. As far as politics are concerned it is healed; but ink that there is that warm feeling of friendship between them, disposition of the two men.

ese meetings that you say you attended in July and August, s in that contest?—A. Yes.

ere these meetings published in the Charleston News and Cour-
, sir; we don't recognize that as authority.

what paper?—A. I think it was printed in the Record. Speak-
t the meetings, it was put in by the reporter of the News and

I saw, myself, in the paper where it said Sheriff Bowen, Mr. and myself were going into the canvass.

ere was no formal communications made of these meetings?—
k the only paper contained the notice was the Record, and per-
Sunday Times. It was well known to the leaders of the Dem-
arty at what time we were going to hold our meetings.

is it brought to the attention of the general public?—A. No;
we did not think the general public in the city of Charlestou interest in it whatever.

w many persons were present at the meeting, John's Island?—
e were two meetings held on John's Island. At the first meet-
actual count, 428. When I say actual count, I am speaking of

I you count them?—A. I think they were counted by Col.
and myself when the election of delegates came off.

w many were there at Wadainalaw?—A. About 350. We them at each place.

Q. How many were present at Calamus Pond?—A. My impression is that there were about 425.

Q. Did you count them there?—A. Yes; we counted them; that is the voters. There were also a large number of women and children, and when there were any Democrats present we did not count them.

Q. How many were present at Dean's Swamp?—A. About 200.

Q. How many at Whaley's Church?—A. From 400 to 450.

Q. How many at Red-top Church?—A. About 167; somewhere in that neighborhood.

Q. How many at St. Stephen's?—A. About 200 or 225.

Q. How many at Moss Swamp?—A. About 300, I should think.

Q. How many at Wappetaw?—A. About 275.

Q. How many at Strawberry?—A. Strawberry was a sort of joint meeting of Republicans and Democrats. There must have been about five hundred voters. There were also a large number of women and children, and three or four hundred Democrats. There were about one thousand or twelve hundred persons there.

Q. You mean the day Mr. O'Connor was there?—A. Yes.

Q. You did not count them?—A. No, sir. At Strawberry there was no need to count them; but there was no opposition to the talks.

Q. Was or was not the votes in Charleston County, outside of the city of Charleston, much smaller than it was in 1876?—A. Much smaller.

Q. That defection or falling off was occasioned by a number of the colored people not voting at the last election as they did in 1876?—A. Yes. I account for it in two ways. One is their coming to the city and voting here, and their changing of Republican tickets for Democratic tickets. It is a matter of opinion, after all.

Q. Are not the black people in all the outlying parishes of this county steeped in ignorance?—A. Yes, and no. There are some amongst them that are intelligent, but as a general thing they are very ignorant. I think, take their ideas of politics, and they will compare favorably with any laboring class of people in this country; in fact, they make it a specialty.

Q. You mean they make it a specialty to swear by the Republican party?—A. I mean by that they feel to the Republican party that they owe their manhood to it, and that the Democratic party is all the time trying to take it away from them. In 1878, they came out in larger numbers, and did more, and underwent more hardship, and, in fact, paid more attention to politics than the white people.

Q. Were you a member of the State-street Republican convention?—A. Yes.

Q. You were beaten in that convention for the candidacy?—A. I was.

Q. Was the county ticket nominated in that convention acceptable to the Republican party?—A. Yes; generally as acceptable to the Republican party as the Democratic ticket was to the Democratic party.

Q. Did you not hear the ticket denounced on account of certain names on it?—A. Yes; I did; but I heard them denounced on the other ticket; no more so than any other ticket that has been nominated.

Q. Was it not denounced because of certain names being on the ticket of men who were absolutely considered to be devoid of principle?—A. When you come to that, every man in the Republican party is denounced that way.

Q. I am speaking of your party.—A. There were two men on the ticket for minor offices that I heard considerable talk against.

Q. Did you hear any persons express themselves so disgusted with

~~the~~ ticket that they would not vote it!—A. I never did; but I will not state positively such was not the fact.

Q. Was not Mr. Bowen disgusted with the ticket?—A. There were some parties on the ticket Mr. Bowen did not like, and if he had had the shaping of the ticket he would not have had them. I am frank to say I felt the same. The general feeling amongst the Republicans was that they had to support it, because there was no middle ground at all.

Q. Did you ever hear Mr. Buist make use of the expressions with which you have charged him with in your testimony?—A. I made no charge.

Q. Have you, yourself, ever heard Mr. Buist make use of such expressions?—A. I never have; but it was common rumor.

Q. Did some Democrat tell you so?—A. Yes; but it was given to me in confidence; but what the governor told me was not in secret.

Q. Will you furnish me the names of the parties who told you that Mr. Buist made use of these expressions?—A. No, sir; I would not.

Q. You decline?—A. I decline.

Q. You never heard him make use of these expressions yourself?—A. No, sir.

Q. Have you ever conversed with Mr. Buist about the election?—A. I have.

Q. You conversed with him frequently about the election?—A. I was on a committee; and while waiting for the committee to come in, we had a conversation about the election; and I informed him about what Gov. Hampton said; and he said: "No, there is not got to be any half-work about it; it has to be all Democrats."

Q. How many voters did you see, yourself, rejected on the day of election?—A. Not but a few.

Q. How many?—A. About twenty-five.

Q. At what poll?—A. At the court-house and city hall. I was not at the polls much during the day.

Q. Were you near the ballot-box when they were rejected?—A. I was.

Q. Were they not challenged?—A. I think they were. Whenever a man presented himself that had the appearance of a country negro, somebody was always there to say: "You must vote where you live; you must go somewhere else."

Q. They were rejected after they were challenged?—A. Yes.

Q. Did you hold any office on election day?—A. No, sir.

Q. You say you were inclined to give up the election?—A. Yes; in fact, gave it up in my own mind, after I saw the appointment of the commissioners of election.

Q. Do you think that idea of giving up entered into the minds of any others of the Republican party?—A. No, sir; I don't think so; I kept it to myself; perhaps I might have mentioned it to Col. Mackey that we should work so much the harder, and that it should not be said they beat us, unless they counted us out.

Q. Did you ever see Col. Montgomery cast a vote?—A. No, sir.

Q. Did you ever see him vote a Democratic ticket?—A. Never seen him vote at all.

Q. How long was he president of the Republican senate?—A. I think for two years. He never has been actively engaged with the Republican party since 1874.

Q. Has he taken an active part in politics since?—A. No, sir; he has been engaged in business down here. I don't think he has attended a meeting down here. He was from Newberry County when he was in the senate.

In reply, by E. W. M. MACKEY, contestant:

Q. Whatever might have been the corruption in 1872 in the State government, was it confined entirely to Republicans?—A. The report of the joint committee on frauds, while it don't claim all, claims that some Democrats were connected with it.

Q. Were any of the men who had been connected wherever fraud might have existed in those offices on the Republican ticket in this last election?—A. Not that I know of; whenever a man came before the convention the report was brought forward; on one or two occasions brought the report forward myself.

Q. So far as the county convention is concerned, no man that belongs to it had anything to do with those frauds?—A. No, sir.

Q. You stated that there were Democrats who voted the Republican ticket for Chamberlain; will you state why you don't care to give the names?—A. Because it would ruin them in business.

Q. Is there any ostracism existing among the white men?—A. Yes so much so a man may as well close his doors.

Q. Do you not know that R. K. Scott, who was referred to, after the Democrats got into power in this State, voted with them?—A. He voted for Hampton, and went to Washington in the interest of Hampton.

Q. Was he not the representative of Gov. Hampton in Washington?—A. He was.

Q. Was he not recommended by a number of prominent Democrats for an important office?—A. Yes, he was—for the office of collector of internal revenue.

Q. Has not R. K. Scott publicly declared that he was willing to return to this State and stand trial if he was required to do so?—A. I am not competent to answer that question.

Q. You do not recollect seeing any letter of his published?—A. I do not.

WM. N. TAFT.

Sworn to and subscribed before me this 29th day of November, A. D. 1879.

E. H. HOGARTH.
Notary Public, So. Ca.

Certificate of Notary.

STATE OF SOUTH CAROLINA,
Charleston County:

I, E. H. Hogarth, a notary public in and for the State of South Carolina, do hereby certify that the foregoing deposition of W. N. Taft was taken by me, pursuant to notice of contestant, and that contestant and contestee were both present at Charleston, in the county and State aforesaid, on the 29th day of November, A. D. 1879.

Given under my hand and official seal this 29th day of November, A. D. 1879.

[SEAL.]

E. H. HOGARTH,
Notary Public, So. Ca.

Deposition of C. C. Bowen.

The matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

C. C. BOWEN, a witness of legal age, produced by contestant in re-tal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. State your age, residence, and occupation.—Answer. I am 46; reside at 27 Rutledge st., city of Charleston, and am now sheriff of Charleston County.

Q. What official position do you hold in the Republican party?—A. I am chairman of this county.

Q. Did you occupy that position at the last general election?—A. Yes.

Q. Did you take any part in the campaign preceding the election?—A. Yes; I took an active part.

Q. Will you please state what kind of a canvass was made by the Republicans in this county?—A. Gen. Taft, Col. Mackey, and myself canvassed this county twice, thoroughly, once along in July, and once just prior to the election; that is, we finished just prior to the election.

Q. In these two canvasses were all the election precincts in the county visited?—A. Yes, and more, too; that is, we went to places that were not election precincts under the law.

Q. At what places were meetings held by the Republicans?—A. On Fishto Island, Wadmalaw Island, two places on John's Island, on James Island, St. Andrew's Parish on the Main, at the Four-Mile Church and the Fifteen-Mile House, in Christ Church Parish; St. James, Santee, Stephen's, Calamus Pond, Black Oak, Strawberry Ferry, Biggin Church, Whaley's Church, and Dean Swamp.

Q. How many meetings were held at each of these places?—A. Two at each place I have mentioned.

Q. Was the canvass made by the Republicans in 1878 as full and as thorough as in previous elections?—A. Yes; about the same. The same canvass was made, but more harmonious than in years before.

Q. Was there any division in the Republicans at the last election?—A. No; not in that campaign.

Q. Whom did you support for the nomination for Congress?—A. Gen. N. Taft.

Q. After Mr. Mackey was nominated did you express dissatisfaction with the nomination and refuse to support it?—A. No.

Q. In regard to the county ticket nomination by the Republican convention, did you ever say you couldn't carry any such set of coons, or words to that effect?—A. No; I made no such remark. I may have expressed dissatisfaction about some one. I objected to the nomination of both Bultz and McLaughlin. I thought that they ought not to have been put on the ticket.

Q. With the exception of Bultz and McLaughlin, was the rest of the ticket satisfactory to you?—A. Yes. As to the colored men, I thought they were representative men. They certainly had the votes and voice of the people in the different parishes in which they lived, and they were put on for that purpose.

Q. Is it true that the ticket nominated by the Republican convention is utterly obnoxious to the Republican voters?—A. I don't think so. I think the Republican voters were more solidly united than I had seen

them in previous elections. There was no division. They surprised me. They were a unit.

Q. Did you have any interview at Mr. Devereaux's office with certain Democrats, in which you agreed to do all you could against the election of Mr. Mackey?—A. No, I did not. I was present at an interview at Devereaux's office, but there was no such agreement as that.

Q. State how that interview was brought about?—A. One morning Mr. Devereaux came for me and said there were some gentlemen who wanted to see me. It was, I presume, three or four days before the election. I don't recollect the day, but I don't think it was more than four days before the election. I went over and met some seven or eight. I can name them if it is necessary. There was no agreement of that kind. When we talked about politics, I told them that the work had been done and that I had turned the management of the campaign over to Colonel Mackey.

Q. Is it true that you did not send Republican tickets to many of the largest Republican precincts in the county?—A. I sent no tickets out at all. I told these gentlemen I had nothing to do with the sending out of the tickets; that the work had been done and the canvass made and that it was not a question before the people who should be member of Congress; that question had been decided in the convention. I never sent any tickets, that I recollect, anywhere. My recollection is that Colonel Mackey sent the tickets out. I never heard a complaint from any place of a want of tickets, and if there had been I would have known it.

Q. Did you ever express yourself to Maj. G. Lamb Buist to the effect that you did not wish Mr. Mackey elected, but hoped that Mr. O'Connor would be?—A. No. Mr. O'Connor came to me several times and in my conversations with him I told him his chances were very bad.

Q. Was there any arrangement at all between you and the managers of the Democratic party to defeat Mr. Mackey?—A. No; none in the world.

Q. Is it true that you made any arrangement with the Democrat~~s~~ not to attack him openly, but to do all you could against him secretly?—A. As I said before, I distinctly said to them that the work of the campaign had been done and could not be changed, no matter how much any one wanted it changed. It could not have been reversed.

Q. During the canvass made by the Republicans was there any discussion at the different meetings as to who should be the candidate for Congress?—A. No.

Q. Was there not an understanding between yourself, Gen. Taft, and Mr. Mackey that the matter should not be made the subject of discussions at these meetings?—A. I was opposed to the matter being discussed before the people by either Colonel Mackey or General Taft, on the ground that I looked upon it as unnecessary, as it was a matter to be settled in the convention.

Q. Will you please state what you know in regard to the printing of tissue tickets by the Republicans and the circumstances which led to the printing of such tickets?—A. On prior to the election Mr. Mackey called on me at my house and stated that he had been informed that the Democrats had had printed a large number of what were known as tissue ballots, with which they intended to stuff the ballot-boxes at the various polls, and asked my advice in regard to printing a circular stating that this thing was known and that the boxes would be closely watched, and any person detected in stuffing the boxes would be prosecuted. I disagreed with him about the feasibility of the circular. I

I don't think it would do any good. I recommended to him that if his information that tissue ballots were going to be used was correct that change the style of the Republican tickets and print them all on tissue paper. I thought the only way to defeat the plan of the Democrats was do away with the Republican tickets which had been printed on ordinary paper and to use tissue ballots entirely, so that if the Democrats used tissue ballots, when the managers came to draw out the excess of votes they could not tell the difference between one tissue ballot and another. I think there were some tissue ballots printed after that and afterwards abandoned; that is, the project of using them. I don't think saw any of them during the day of election.

Q. Will you please state now the circumstances which led to the Republican voters from St. Andrew's Parish being brought over to the city to vote?

(Counsel for contestee objects to any testimony being brought out by contestant which is not strictly in reply.)

A. As county chairman of the Republican party of this county I had told the voters of St. Andrew's Parish, on the main, on two different occasions that arrangements would be made to transport them to a place here they could vote, as there was no voting place on that side of the river, the last legislature having abolished both the polling places there, and owing to the number of voters on James Island it would be impossible for them to vote there. My intention was to have them carried to Sullivan's Island, as they could vote anywhere in the county under the law, and I had made arrangements to carry them there. I did not want to bring them to the city, as there were so many voters here. I was informed that a steamer would be at my disposal upon the payment of the charter, that is, the price asked. When I went with the money to secure the steamboat I was told it had already been chartered by another party.

Q. Were you informed by whom the boat had been chartered?—A. Yes.

Q. Who was it?—A. I was told that Maj. Buist had chartered not only that boat but all the others belonging to the only company from which boats could be chartered.

Q. Was Maj. Buist chairman of the Democratic executive committee?—A. Yes.

Q. From your canvasses of the county had you any reason to believe that the colored people of this county had changed their political convictions and would vote with the Democratic party?—A. No; on the contrary I am satisfied they had not. I had never seen them come up with a better spirit and vote more solidly than they did at that election.

Q. Did you do anything at all to aid the election of Mr. O'Connor?—A. No; not a thing.

Q. Either openly or secretly?—A. Not in any way.

(Counsel for contestee objects to the introduction of the evidence of this witness at this stage of the proceedings, claiming that it is a part of contestant's original case and should have been developed in the evidence then produced by him.)

In reply, contestant claims that the evidence of this witness is strictly rebuttal of evidence produced by contestee.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. The question as to your position with regard to this election and our individual action did arise in Mr. Devereaux's office, did it not?—

A. No. If any arose it arose there, because it was the only convention of that nature that I had with any one.

Q. Did you yourself vote for Mr. Mackey?—A. I voted the Republican ticket and his name was on it.

Q. Would it not affect your influence now with your party if you should say you did not vote for Mr. Mackey?—A. I don't know whether it would or not, and I don't care if it did. It is true, however. I am not bound to answer the question in the first place. I could have declined, but for fear that I might be misunderstood I answered. No man is bound to state for whom he votes, unless it is an illegal vote. I have always stood by my party under many great disadvantages. I don't think anybody will question that.

Q. How long have you been a Republican?—A. Ever since Republicanism has existed in South Carolina—since about 1867. The first publican demonstration made here was in March, 1867; immediately after the passage of the first reconstruction acts.

Q. Have you held office under the Republican party?—A. Sometimes.

Q. What offices have you held?—A. I was a member of the constitutional convention in 1868. I was twice a member of Congress, and I was a member of the legislature for one session to fill an unexpired term.

Q. What year were you a member of the legislature?—A. The session of 1871-1872.

Q. Who was then governor?—A. R. K. Scott.

Q. What office did you next hold?—A. Sheriff of Charleston County.

Q. You have been a leading Republican ever since reconstruction. A. I wouldn't like to say that. I have been a Republican.

Q. You have been a Republican office-holder pretty much all the time.—A. The Democrats voted for me in 1870. I went out from Charleston City with 3,700 majority, and I had 7,600 majority in this county.

Q. Who was running against you then?—A. De Large.

Q. Was De Large a Republican?—A. Yes. It was when Carpenter and Butler were the Democratic candidates for governor and lieutenant governor against Scott and Ransier on the Republican side.

Q. The Democrats had no candidate for Congress that time?—No, sir.

Q. How long have you been sheriff of Charleston County?—A. Seven years.

Q. Have you not been very much vilified in the public press at times?—A. I would not like to say that either. The public press shows for itself.

Q. Has not the News and Courier attacked you very openly at times?—A. I have nothing to say about that.

Q. Did you not sue the News and Courier for libel?—A. No.

Q. Did you not prosecute the publishers of the principal paper of Charleston for libel?—A. No.

Q. How was that suit brought, then?—A. The State brought it, no one ought to know it better than you.

Q. Was it not for things said of you?—A. It might have been. The record of the court will show that. The State, through the grand jury, indicted them.

Q. Did not the State indict the proprietors of the News and Courier for publications concerning C. C. Bowen—yourself?—A. The record of the court will show that.

Q. Was there not a mistrial?—A. Mistrial in what?

Q. In that prosecution?—A. What do you call that prosecution?

Q. I am speaking of the indictment against the News and Courier.

for libel.—A. In the case of the State against the proprietors of the News and Courier there was a mistrial.

Q. Was it known how many of the jurors were in favor of acquitting the defendants in that case?—A. I don't know anything about it.

Q. Was it not currently believed that only one man was against a verdict of acquittal, and that man was a creature of yours by the name of Ahrens?—A. In the first place, Mr. Ahrens was no creature of mine; any one who states that knows it is false.

Q. As to what the belief was, persons might have stated that?—A. I don't know anything about it.

Q. Have you held any other prominent office?—A. I don't know of any other. I don't know what you call an office.

Q. To go back to that meeting at Mr. Devereaux's office, did you make any prediction there as to who would be elected?—A. I don't think I did. It was impossible for anybody to predict at that time who would be elected, as it was already determined to swindle the Republicans. To use the exact language of one of the Democratic executive committee, "to give them hell."

Q. "To give them hell." That is the reason you say they meant to swindle them?—A. They said it in plain words.

Q. Was not the wrangling of the factions in the Republican party in the nominating convention of 1878 very bitter over the nomination for Congressman?—A. That is a very general question. Of course there were two candidates in the convention, and the friends of both parties wanted their man nominated. I don't know that it was unusually bitter; no more than I have seen between other factions, both Democrats and Republicans.

Q. Did not the supporters of Mr. Mackey threaten that if he was not nominated they would not support the nominee?—A. I heard one or two voters express that opinion. I don't think more than two.

Q. You supported Mr. Taft, did you not?—A. Yes; in the convention I supported Mr. Taft. After the nomination was made Gen. Taft pledged himself to support the nomination.

In reply by E. W. M. MACKEY, contestant:

Q. So far as you know, did not Gen. Taft give the nomination an earnest support? A. So far as I know, he did; but, as I said, the work had already been done before Col. Mackey was nominated. This county had been canvassed twice, and after Col. Mackey was nominated there was no effort made to undo the work of those canvasses, and, as I said before, there was no one who could change it, even if they so desired.

C. C. BOWEN.

Sworn to and subscribed before me this 3d day of December, A. D. 1879.

E. H. HOGARTH,
Notary Public, So. Ca.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Charleston County:

I, E. H. Hogarth, a notary public in and for the State of South Carolina, do hereby certify that the foregoing deposition of C. C. Bowen was taken by me pursuant to notice of contestant, and in accordance with the provisions of law, at Charleston, county and State aforesaid, this

3rd day of December, A. D. 1879, the contestant being present in person, and the contestee being represented by his attorney, Henry Edmund Ravenel, esqr.

Given under my hand and official seal this 3rd day of December, A. D. 1879, at Charleston, South Carolina.

[SEAL.]

E. H. HOGARTH,
Notary Public.

Deposition of Benj. Mills.

In the matter of the contest of E. W. M. Mackey against M. P. O'Conn-

STATE OF SOUTH CAROLINA,
Charleston County :

BENJAMIN MILLS, a witness of legal age, produced by contestant rebuttal, upon due notice to contestee, deposes as follows in reference questions propounded by the contestant:

Q. Question. State your age and residence.—Answer. I will be 38 next May. I reside in the city of Charleston, No. 11 Chapel st.

Q. Were you present at the Eagle engine-house poll, in ward 5, the last general election?—A. Yes, sir.

Q. It has been stated by Mr. John H. Devereaux that you were arrested for repeating. Will you please state the circumstances under which you were arrested?

(Question objected to by contestee as not in reply, inasmuch as part of the case upon which contestee relied for his defense, as set forth in his answer, was repeating on the part of Republicans; therefore, not being new matter, contestee has no right to introduce testimony in reply.)

A. A couple of nights before the election I called a meeting in the ward and urged upon the men the necessity of keeping quiet on the day of election, because I heard that the Democrats had said that they intended to carry the ward or kill the damn niggers. In fact there was a house near the poll owned by Governor Aiken, which was stored with arms, and men were there night and day. On that account I told the men to take all insults offered them, and if they were cursed not resent it in any way. On the morning of the election I went to the poll at four o'clock, having in my possession the Republican tickets for the poll; I had 700 Republican tickets. I was the first man that got there. Soon after I got there two policemen came up and then some black men. When the poll opened, as soon as our men came up, I told them to get into line and I gave them tickets; as fast as they voted they went away. About 11 or 12 o'clock, some men living in the parish of St. Philip's and St. Michael's came to the polls; Mr. Devereaux came to me and said "these men attempt to vote here there will be trouble." I said, "They will not try to vote here until I find out if they have the right to vote here. I started down town to see if they could vote. I went down to see Colonel Wallace and got back between 12 and 1 o'clock. As soon as I got back a man who wanted to vote said, "I was asking for you"; his name was Hamilton. I ran my hand into my pocket and gave him a ticket just as I did so, I was arrested and carried to the guard-house.

Q. What was the charge made against you?—A. No charge was made at that time. The next morning when I was brought before the recorder they charged me with attempting to intimidate a voter. I asked the recorder to give me the right to have the case investigated, and was turned over to Trial Justice Burnett. The case was dismissed.

long were you kept in the guard-house?—A. I was arrested o'clock in the day and kept in the guard-house until next

any charge made against you for repeating?—A. No, sir; the s attempting to intimidate a voter.

It became of these men from the parish of St. Philip's and St.—A. I don't know. One of them, a man between 60 and 70, he Clementsville road, named Thompson, was brought in there : dark. They told me they arrested him for voting more than

these people live in Charleston County?—A. They lived in 1 County and within the limits of the parish line.

the parish?—A. The parish of St. Philip's and St. Michael's. It the same parish in which the city of Charleston is situated?—r.

there any poll in the parish beyond the limits of the city at y could have voted?—A. None at all. The nearest poll out- ty was at the 22 Mile House.

there any split in the Republican party at the last election?—t all. At the opening of the campaign the contest was be- Mackey and Mr. Taft for the nomination for Congress. The included that they would support Mr. Mackey.

e you not formerly a supporter of Mr. Bowen's?—A. I was. true that the friends of Mr. Bowen were dissatisfied with the n of Mr. Mackey and would not support him?—A. No, sir; it

they all support him?—A. They did. The men in the fifth upported the straight ticket.

e there as many colored Democrats in 1878 as in 1876?—A. I r colored men voted the Democratic ticket at the last election y other election.

you a member of any colored church?—A. I visit the Morris ptist Church.

is the pastor of that church?—A. Rev. Jacob Legare.

e you ever known of a colored man being turned out of that voting the Democratic ticket?—A. No, sir; on the contrary, a colored man by the name of Dart, who was one of the nd a Sunday-school teacher, too, who used to go out making or the Democrats.

customary for the pastor of that church to preach politics?—

the pastor endeavor to persuade the members of his congre- rote the Republican ticket?—A. No, sir.

t is the size of the congregation that attends that church?—e of the largest churches in the city. There are about 2,200 colored people who belong to it.

long have you been attending that church?—A. All my life. colored men in this city vote the Democratic ticket without acized by the other colored men?—A. They can.

ou belong to any colored societies or companies?—A. I was o a military company called "The Comet Light Infantry" until banded a short time ago.

e any colored men ever expelled from that company for voting eratic ticket?—A. No, sir; we were glad to have them there.

e there any in the company?—A. There were three or four

Democrats. They use to tell us if we went with the Demo-

erats they would help us. The company was very poor. They would sometimes come up and subscribe five dollars.

Q. Did you belong to any other association?—A. No, sir.

(All of the foregoing questions objected to by contestee for reasons already stated in the objection to the question first propounded.)

Cross-examination by M. P. O'CONNOR, contestee:

Q. You are a colored man?—A. Yes, sir.

Q. Taken a prominent part in politics since 1868?—A. Yes, sir.

Q. You have always been with the Republican party?—A. Yes, sir, always.

Q. Supported Mr. Mackey in the last contest?—A. I did, and I did all I could for him.

Q. Were you a member of the convention that nominated him as the county ticket?—A. I was a member of the convention that nominated the county ticket, but not of the Congressional convention.

Q. Was not that convention controlled by Mr. Mackey's friends?—Well, I don't know how to answer that question.

Q. Were not the friends of Mr. Mackey in the majority in that convention?—A. Yes, sir, and that convention sent delegates to the Congressional convention which afterwards nominated Mr. Mackey for Congress.

Q. Were you one of those delegates?—A. I was not.

Q. Was not the county ticket considered objectionable by a number of your people?—A. I don't know that it was. I didn't hear any complaint against it. There may have been some objections raised, but the ticket was nominated so near the day of election that the people had no time to make any objections.

Q. Were there not some objections as to one or two names on your ticket?—A. None at all.

Q. Did you not hear indignation expressed about certain names being put on your ticket?—A. I did not.

Q. Did that whole ticket meet with your support in the convention?—A. Yes, sir; I was satisfied because I voted for every man that was nominated, and did all I could in ward 5 to see that no scratching was done.

Q. Did any one in the convention object to the name of McLaughlin?—A. Before his nomination some did.

Q. Did any one in the convention object to Mr. Buttz?—A. Before his nomination I objected to him. After the nominations were made we then agreed unanimously to support the ticket. Before the convention adjourned, everybody came out satisfied.

Q. Have you ever been a member of the legislature?—A. Never was.

Q. Have you ever held any political office?—A. Little position on the plank road.

Q. Under the Republican administration of the State?—A. Of the county.

Q. Held any other office?—A. No, sir; no other office.

Q. You say you never heard politics preached in your church?—A. No, sir.

Q. Do you go to church every Sunday?—A. Sunday nights I go to church with my wife and take her back home. We have an old man there that don't preach politics.

Q. Do you go to church more than once a month?—A. Sometimes more than twice a day.

Q. Do you go to church every Sunday?—A. I do not.

Q. Have you not always been detailed as a member of the rally?

committee in the elections in this city?—A. Never have. I always pursue my own course.

Q. You act independently?—A. Always.

Q. Your name was never put down among the rallying committee of the county?—A. In the campaign I generally organize a club.

Q. The club that you organized in this election, was it not organized to work for the candidates on your ticket?—A. We organize a club and get all the men to join we can, so as to know how they all stand, and so as to know how many men we can depend upon on the day of election.

Q. Are not these men always workers on the day of election?—A. Not the whole of them. Some of the men have to go to work, and have to get there early and vote so that they can go off to their work.

Q. Have you not in other elections carried men up to the polls?—A. Yes; very often we march up in a body before the opening of the poll, so that those who have to go to work can vote early and go to their work. I don't carry them. We meet at our headquarters. Men who have nothing to do vote whenever they get a chance.

Q. How many men were you with, or were around you, when Mr. Devereaux charged with repeating?—A. Mr. John G. Milnor, Mr. Johnson, and Dr. Selby were standing by near me. The colored men were on the opposite side of the street.

Q. The colored men that you came with were on the opposite side of the pavement?—A. I was there when these men came there. I was standing on the sidewalk talking.

Q. Where did these men come from?—A. From the parish of St. Philip's and St. Michael.

Q. Did not these parties have to pass wards 7 and 8 to get to the Eagle Engine house?—A. There were two or three blocks from the poll at ward 7, and five or six blocks from the poll at ward 8.

Q. The poll at the Eagle Engine house is down the same street?—A. Yes; and to go to the Ashley Engine house in ward 7 they would have had to turn down Columbus st.

Q. Is it not nearer from the corner of Columbus and Meeting streets to the Ashley Engine house than the Eagle Engine house, where the poll was held in ward 5?—A. It is nearer. They said they had been there, but Mr. Gonzales said they couldn't vote there. Mr. Gonzales followed them down and said they shouldn't vote there. He came down with them from the Ashley Engine house.

Q. Did you make any effort to vote them?—A. I did not. I told these gentlemen I would not make any effort to vote them unless they had a right to vote, and I told them not to cross over.

Q. How many were there?—A. Between seventy-five and eighty, as near as I can judge.

Q. Have you ever been charged in any previous election with repeating voters?—A. Never have; that is a thing I never think of doing; I know our strength.

Q. Have you ever in any previous election been charged with any political offence?—A. None whatever.

Q. You have lived here all your life?—A. Yes, sir; with the exception of four years.

Q. Where did you live then?—A. In Blackville, Barnwell County, four years during the war.

Deposition of D. C. Bull.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

D. C. BULL, a witness of legal age, produced by contestant in buttal upon due notice to contestee, deposes as follows in reference questions propounded by the contestant :

Q. Question. State your age, residence, and occupation.—Answer. A. 43; residence, 45 Spring st.; occupation, mechanic.

Q. Were you in the city of Charleston at the last general election ?
A. I was.

Q. At what poll were you during most of the day ?—A. The whole day: excepting about an hour, I was at the Niagara Engine house, Ward 1.

Q. Mr. Mike Hogan has testified that, as a Republican challenger, you had the same faculties for challenging that he, as a Democratic challenger, had. Will you please say whether or not that statement is correct ?

(Question objected to by contestee as not in reply, inasmuch as by the rules of evidence it is the duty of contestant, the same as the plaintiff in a suit, to prove his entire case, and he is not entitled to introduce any testimony except in reply to any subject introduced in the testimony of the rebuttal, which is of a character to be styled new matter, and which is not in reply to the evidence of the contestee.)

A. No, sir; it is not correct, for the reason that the Republican challengers could not get up to the poll; that is, near enough to the managers to challenge the voters, the Democratic voters.

Q. Were any Republicans allowed to act as challengers at all at the poll ?—A. No, sir; because I was to have acted as one, and I couldn't.

Q. Did you attempt to act as a challenger on the part of the Republicans ?—A. I did all day on the outside—on the pavement, because the policemen would not let any Republican stand near enough to the poll to challenge voters.

Q. Mr. Hogan made the same statement in regard to Charles Green being allowed facilities for challenging the same as himself. Can you state whether or not that is true ?—A. So far as Charles Green is concerned it is not. He is a fellow of high temper, and my advice to him was not to insist upon going too near the poll, because I was warned that day if I went too close I would get into the guard-house and would not get out. I kept close to him all day.

Q. Were voters from the parish of Saint Andrews allowed to vote at that poll ?

(Question objected to by contestee as not in reply.)

A. No, sir.

Q. Did you send any of these voters to other polls from that poll ?—A. Yes, sir; it was my particular duty to stay there all day and see the men whom the managers would not allow to vote to other polls.

Q. Why could they not vote there ?—A. Because as fast as they came up to vote Mr. Hogan and Mr. Heidt said, "You cannot vote here," "saw him vote already"; "You cannot vote," and made them get out. That was the way it was done all day.

Q. Was the poll at any time during the day so obstructed that the Democrats did not have free access to it ?—A. They had as free access as they wanted. They didn't always get into line with us. Certa-

en picked them out of the crowd as they wanted them and took them to vote.

Q. Was there anything like five thousand colored people around that all at any time during the day?—A. No, sir; because they kept the streets clear. They wouldn't let them stay in the middle of the street. They kept them on the sidewalks. That was the directions given the policemen, and they did it.

Q. Are you a member of any colored societies or associations?—A. A couple of them.

Q. Do you attend any colored church in the city of Charleston?—A. I am not a member of any, but I go to church every Sunday with my family, whenever they go.

Q. What church do you attend?—A. Morris Brown Chapel, in Morris st.

Q. Is the congregation of that church large?—A. There is not but one larger church in the city, and that is the Calhoun Street Church.

Q. Have you ever known, during the time you have attended that church, any colored man to be turned out of the church for having voted the Democratic ticket?—A. No, sir.

Q. In any of the societies of which you are a member, have you ever known of a colored man being turned out for having voted the Democratic ticket?—A. No, sir; I belong to a society in which they are some colored Democrats.

Q. Is it true that the colored Republicans ostracize all colored men who vote the Democratic ticket?—A. No, sir.

Q. Can any colored man vote the Democratic ticket without the fear of being ostracized by the other colored men?—A. I will give you an instance. There is Charlie Green's brother, who voted the Democratic ticket. He comes to my house whenever he wants to, and gets whatever he wants to.

Cross-examination by M. P. O'CONNOR, contestee:

Q. Did you vote for Mr. Mackey for Congress?—A. I did.

Q. Did you vote the entire Republican ticket?—A. Right square out.

Q. Have you always taken an active part in politics with the Republican party?—A. Always did.

Q. Were you a member of any convention?—A. Yes; of almost every convention. The only time I ever went outside was in the Green movement.

Q. The Green movement was an independent movement?—A. Yes,

Q. Were you a member of the last convention?—A. Yes, sir.

Q. Was not the line of voters at the eighth ward, where you say you remained during the day, extend away down to the Methodist church at the corner of Coming st.?—A. No, sir.

Q. You are sure of that?—A. Yes, sir. At no time did it extend past my gate, and I am next door to the engine-house.

Q. Still was there not one time in the day when the line extended across the middle of the street?—A. Yes, sir.

Q. Did it not extend down the sidewalk, opposite to where the engine-house was?—A. At one time the line got very long, but it did not reach at any time to the pavement on the other side of the street.

Q. How many Democratic voters did you challenge that day?—A. It was dangerous to challenge any Democratic voter there that day, for any of us had done so, we would have got in the guard-house. One time when some white men came up to vote, and they took them around

through the side door, and let them vote, James Green said that way the rights of his people were being tampered with, and he was once grabbed up by a policeman, and carried to the guard-house, and never came out until the next morning. The Republicans were very active in getting up their voters, but they were afraid to go too near the poll to challenge any one.

Q. By whom were you detailed to act as a challenger at that poll?
A. I was a member of the Republican club of that ward, and being one of the leading men, Mr. Dunneman asked me to stay there and see that things went on all right.

Deposition of Louis Dunneman.

In the matter of the contest of E. W. M. Mackey and M. P. O'Connor

STATE OF SOUTH CAROLINA,
Charleston County:

LOUIS DUNNEMAN, a witness of legal age, produced by contestant rebuttal upon due notice to contestee, deposes as follows in reference questions propounded by the contestant :

Question. State your age, residence, and occupation.—Answer. I will be 36 the 27th of next April; my occupation is a farmer; I live on Shepherd's farm, between King and Rutledge streets.

Q. On a farm of your own?—A. No, sir; it belongs to Mrs. Wilson and is called Shepherd's farm.

Q. How long have you lived in the city of Charleston?—A. Some twenty-odd years.

Q. Were you in the city of Charleston at the last general election?—A. I was.

Q. Is it true that you voted a large number of men, about two hundred, at the Niagara engine-house, ward 8, and after wards sent a message to Mr. Mackey that you would send them to him, and he might vote them in ward 2?—A. No, sir; I did not vote a single man. In the morning about half-past five I started to the poll with some colored people who had met at the church in Rutledge street—the little church. As I got to Shepherd street, the policeman on the corner of Line and Rutledge streets blew his whistle. When I heard that I went back to the farm and staid there until nine o'clock. I then went to my brother blacksmith shop, and got his pony and rode to the poll. When I got there I noticed that colored men coming up to vote were compelled to fall into the regular line of voters, while white men who came up to vote walked right up to the box and were allowed to vote without falling into line. After standing there a little while I said I would like to vote myself, and a policeman then said if you want to vote walk in. I did so. After voting, I came out and said this is not fair play; why men can vote and colored men cannot; white men ought to fall into line and take their turn the same as colored men. Mike Hogan then commenced to abuse me for the blackest nigger that ever lived. My friends pulled me away, by the arms, out of the crowd. I then went to hunt for U. S. marshal, and not finding him, I went home and wrote Mr. Mackey a note that there were a large number of colored people at the poll in ward 8, from St. Andrew's Parish and the Six-Mile House, and that the managers wouldn't let them vote at all.

Q. Is this the note?—A. Yes, sir, it is.

Q. Read it.—A.

"Nov. 5th, 1878.

"Col. E. W. MACKEY:

"DEAR SIR: You will be compelled to put a stop to the Democrats preventing the voters from the Six-Mile House and St. Andrew's Parish from voting at my poll in ward 8. By so doing you will oblige,

"Yours,

"LOUIS DUNNEMAN."

Q. Examine that envelope, and see if that is the envelope in which you sent that note?—A. Yes, sir; that is the envelope.

Q. After you wrote that note what did you do?—A. I sent it to Col. Mackey, and the answer he sent me was that the managers at the court-house, ward 2, were not refusing to allow men from St. Andrew's and St. James' Goose Creek to vote there, and to send them down to him and he would see that they voted. I told the voters to get a man to go down with them to Mr. Mackey, and he would see that they were allowed to vote.

Q. Is it true that you rode up to the poll in ward 8 at the head of a gang of colored men?—A. I went to the poll by myself on my brother's pony. When I got there the plank-road was black with people. When Mike Hogan was abusing and cursing me, Mayor Sale stood there laughing and amusing the others.

Q. Was it safe for you to remain at that poll?—A. I wouldn't have lived five minutes from the bricks and pistols I saw.

Cross-examination by M. P. O'CONNOR, contestee:

Q. When did you join the Republican party?—A. About ten years ago.

Q. Did you join it immediately after its organization in 1868?—A. Directly after.

Q. What is the place of your nativity?—A. I was born in Europe.

Q. What part of Europe?—A. Hanover.

Q. Did you ever live in any other part of the United States except Charleston?—A. I was three years in Walhalla, Pickens District.

Q. Did you ever live in any other State of the Union?—A. No, sir; nowhere else except in South Carolina.

Q. What years did you hold the office of county commissioner?—A. My first term was in 1872 and 1873, and I was again elected in 1876 for another two years.

Q. Have you ever held any other office under the Republican party?—A. No, sir.

Q. Were you ever indicted by the State authorities?—A. No, sir.

Q. Was the board of commissioners of which you were a member ever indicted by the State authorities?—A. One of them was indicted, if I am not mistaken, about some little fracas between Mr. Cunningham and Bultz, because Cunningham threatened to pitch Bultz out of the window.

Q. Was your board of county commissioners ever brought up on any matter?—A. The only time was when there was an injunction against the board to prevent them paying Mr. Bowen. We were before the court at that term when Mr. Collins and Mr. Bowen put an injunction on the treasurer to prevent him from paying out the money except for court expenses.

Q. Was the board of which you were a member in 1876 and 1877 ever indicted?—A. No, sir.

Q. None of the members of the board?—A. No, sir; if one was indicted all would have been indicted.

Q. Was the board of which you were a member in 1872 and '73 ever indicted?—A. No, sir; only the little scrape between Bultz and Mr. Cunningham.

Q. Did you ever hold any other office besides that of county commissioner?—A. No, sir.

Q. How many county conventions of the Republican party have you been a member of?—A. Of every convention since I joined the Republican party.

Q. Were you ever a member of any State convention of the Republican party?—A. Yes, I have been.

Q. Were you a member of the State convention of 1870 which nominated R. K. Scott for governor?—A. I was not a member of that convention.

Q. Were you a member of the convention of 1872, which nominated F. J. Moses, Jr., for governor?—A. Yes.

Q. Were you a member of the convention of 1874, which nominated Daniel H. Chamberlain for governor?—A. Yes.

Q. In that year for whom did you vote, Chamberlain or Green?—Chamberlain.

Q. Were you a member of the convention of 1876, that nominated Daniel H. Chamberlain for governor?—A. Yes.

Q. And you were a member of the county convention which nominated the county ticket in 1878?—A. Yes.

Q. And also a member of the Congressional Convention which nominated Mr. Mackey for Congress?—A. Yes.

Q. Did not party feeling in the convention of 1878, which was held in State st., run very high between the followers of Mr. Taft and Mr. Mackey, for the nomination?—A. Of course both parties liked to get the nomination, but after Mr. Mackey was nominated there was no more hard feeling.

Q. Did not the party feeling on the part of the rival candidates in the nomination run high on both sides?—A. It was a close run; each man tried to get the nomination, but if there was any bitter rivalry between the two parties I never saw it.

Q. Did you hear any of the followers of Mr. Mackey say if he was defeated for the nomination they would vote for Mr. O'Connor for Congress?—A. I never heard any say so.

Q. Did you ever hear any of the followers of Mr. Taft say if he was defeated they would cast their influence for the opposite ticket?—A. I heard Mr. Taft say if he was defeated he would support Mr. Mackey.

Q. Have you acted as president of the Republican club of ward 8?—A. No, sir; but I am chairman of the Republican party in ward 8.

Q. How long have you been chairman of the Republican party in ward 8?—A. Going on three years.

Q. Have you not had meetings of Republicans on your farm at Charleston Neck?—A. When?

Q. In the election of 1876, and also before the election of 1878?—We had meetings there in 1878.

Q. In 1878?—A. Yes, a couple of meetings.

Q. Did any of the Republicans of ward 8 meet at your farm on the night preceding the election of 1878?—A. No, sir.

Q. Did you not visit the poll at the Niagara Engine House in ward 8, early in the morning in the election of 1878?—A. No, sir; I was there only about ten minutes, and that was after nine o'clock.

Q. Did a number of Republicans of your ward assemble at your farm ?—A. No, sir; none at all.

Q. Did they not assemble at a church on your farm ?—A. They assembled about 35 strong at the church.

Q. How far is the church from your farm ?—A. I suppose about two hundred yards.

Q. What hour in the night did they assemble there ?—A. I couldn't tell; I was not there.

Q. Have you not always taken a prominent and conspicuous part in the contests in the State since you have been a member of the Republican party, on the side of your party ?—A. Yes, I have.

Q. How many negroes were there around the poll at ward eight when you arrived there ?—A. I didn't count them, but there were fully one hundred and fifty in the _____. The plank road was black with them.

Q. How many white men were there ?—A. About thirty or forty.

Q. Did you consider all the negroes there Republicans ?—A. Yes.

Q. How did you hold your life in peril if you were surrounded by one hundred and fifty or two hundred Republican negroes when there were only thirty or forty white men around ?—A. Do you suppose I wanted to create a row ? If they had killed me there would have been a row.

Q. What man drew a pistol on you ? Name him.—A. A good many bad pistols on me, but Mike Hogan was the main one who did all the abusing. There were two or three of them from whom my life was in danger.

Q. You think those thirty white men could have overborne all the Republicans around that poll ?—A. I don't say thirty white men are any more than thirty black men, but if I had said "Boys, go for them" there would have been a row ; but I am a man for peace.

Q. You are a white man ?—A. Yes.

Q. What insult was there in Hogan calling you a "damned nigger" ?—

A. The Republican party in South Carolina is mostly made up of negroes, and because I was identified with it ; I suppose that was the reason.

Q. Did you send any message, by word, to Mr. Mackey that day ?—A. No, sir ; I sent that note.

Q. Was that the only message you sent ?—A. Yes.

Q. Do you consider it an insult to be identified with the Republican party ?—A. No ; I don't consider that an insult ; if I did I wouldn't be one.

Q. Then Hogan didn't insult you ?—A. If a man calls you a "dirty black nigger" you don't consider that an insult ; and "a son of a bitch," you don't call than an insult ? Of course I took it as an insult. My face is white; it is not black.

Q. You consider it an insult ?—A. Yes ; and a gross insult, too. I shall never forget it.

Q. Did you visit any other poll that day ?—A. No, sir ; I didn't go anywhere except to the court-house looking for the U. S. marshal, and from there I went on home and never came out again that day or night. I don't believe I came out the next day, because it was not safe for me to show my face on the streets.

LOUIS DUNNEMANN.

Sworn to and subscribed before me this 25th day of Nov., A. D. 1879

E. H. HOGARTH,
Notary Public, So. Ca.

Deposition of J. J. Young.

In the matter of the contest of E. W. M. Mackey against M. P. O'Conn.

STATE OF SOUTH CAROLINA,
Charleston County :

JAMES J. YOUNG, a witness of legal age, produced by contestant rebuttal, upon due notice to contestee, deposes as follows in reference questions propounded by the contestant:

Q. Question. Where do you live?—Answer. In the city of Charlesto

Q. Are you a member of any colored organizations?—A. Yes, sir; am captain of the Lincoln Light Infantry, Co. B, 1st Reg't Nation Guards, and I am engineer of the Comet Steam Fire Engine Comp

Q. In the military organization of which you are captain, has the ever been a colored man expelled therefrom for having voted a Democratic ticket?—A. No, sir; we have never expelled any or censur any.

Q. Are there any men in that company who have ever voted the Democratic ticket?—A. Yes, sir; a man named Carter, who works for G. W. Williams, never voted anything else but the Democratic ticket.

Q. Are any of the other members Democrats?—A. There are one two others who said they voted it.

Q. Has Carter ever been ostracized by the other members of the company for having voted the Democratic ticket?—A. No, sir; he holds t fifth position in the company.

Q. Would it be permitted in your company for one member to char as an offense against another the fact that he had voted the Democratic ticket?—A. No, sir; we have always avoided politics in our milita company.

Q. Has there ever been a member expelled from the fire company which you are a member, or even censured, for having voted the Democratic ticket?—A. No, sir; not since I have been a member, and I ha been there since 1850.

Q. How many members are there in your fire company?—A. Two hu dred at one time.

Q. Are there any Democrats in your fire company?—A. Yes, s there are some who have been in the company since Pillsbury time.

Q. In that organization do they permit charges to be brought agai a man for voting the Democratic ticket?—A. No charge of that ki would be allowed. Every member votes as he pleases, and receiv the same respect as any other member.

Q. Do you attend any colored church in the city of Charleston?—I go to church occasionally, but I am not a member of any. I usually to Emanuel Church, in Calhoun st.

Q. Of what denomination is that church?—A. African Method Episcopal.

Q. Have you ever heard politics preached there?—A. No, sir.

Q. Have you ever known of an instance of a colored man being e pelled from that church for having voted the Democratic ticket?—A. have never heard of any.

Q. Is it true that a colored man cannot vote the Democratic tick without the fear of being expelled from the church, or other associatio to which he may belong?—A. No, sir; I have seen colored men in th city vote the Democratic ticket openly, and in St. James Santee I se one vote it openly and no one molested him. I was supervisor there.

Q. Did any one attempt to interfere with him?—A. No, sir.
 Q. You have already testified in your former examination that you were supervisor at the 32-Mile House in St. James Santee?—A. Yes,

Q. Mr. Morrison, one of the managers, has testified that you expressed yourself as perfectly satisfied with the fairness of the election. Will you please state exactly what you did say?—A. I said, when I was first examined, that just before the close of the poll I was in hope of congratulating myself upon the fairness of the election, but, upon the opening of the ballot-box, I had to change my opinion.

Q. So far as the voting was concerned, you were satisfied?—A. Yes, there was no quarreling, and I was treated very kindly.

Q. Did you ever express yourself as satisfied with the way in which the count and canvass of the votes was conducted?—A. No, sir; I did not.

To each and every of the foregoing questions contestee objects, upon the ground that they are not in reply to any new matter developed by the contestee in his testimony in rebuttal of the contestee's case.)

Cross-examination by M. P. O'CONNOR, contestee:

Q. You have testified before in this cause?—A. I have.

Q. Have you not always been an active politician and worker with the Republican party?—A. Ever since I had the chance to vote, I have always been a Republican.

Q. Do you not know that there was an intense feeling of animosity among the colored Republicans against any colored Democrats in the election of 1876?—A. I don't know of any bitter feeling against them, except where men went to work and falsified or lied upon them.

Q. You say you have been a member of the Comet Fire Company since when?—A. Since 1850. I joined the company as a boy.

Q. Since 1868—since the investiture of the colored people with the franchise—how many men in your company ever voted the Democratic ticket?—A. I never noticed how many there were.

Q. What were their names?—A. A man by the name of Jackson; he voted for Lesesne against Pillsbury.

Q. Can you name any other?—A. I could not, of my own knowledge, but I heard others speak of it.

Q. Did you ever see Jackson deposit a Democratic vote?—A. No, sir, ever.

Q. You are also a member of the Lincoln Light Infantry?—A. Yes,

Q. Since when?—A. I was elected captain the 4th of January, 1872.

Q. Can you give me the name of any colored Democrats on the roll of your company?—A. Yes, sir; Henry Carter; he is fifth sergeant and left general guide of the regiment.

Q. Did you ever see Henry Carter deposit a Democratic ballot?—A. I never have.

Q. You never saw him vote the Democratic ticket?—A. No, sir; he always voted at the Palmetto engine house, and I always voted either in ward one or four. I never lived outside of those two wards.

Q. Are there any other Democrats in your company?—A. I don't know what you call a man that voted for Mr. Sale; some of my men voted for Mr. Sale; but I don't call them Democrats.

Q. Was there any Republican candidate in the field when Mr. Sale was running for mayor of Charleston?—A. No, sir.

Q. And therefore the colored Republicans had no other alternative—

either to vote for Mr. Sale or not vote at all?—A. Yes, sir; or vote for Mr. Fleming.

Q. He was not the Republican candidate for mayor?—A. No, sir.

Q. Do you go to church every Sunday?—No, sir; I go there occasionally.

Q. Do you go there once a month?—A. I have not been to church for about two months, except last Sunday, when I had to go to a funeral.

Q. You sometimes attend night assemblages?—A. That is the only time I go.

Q. You are not a regular attendant, then?—A. No, sir; I am no member of any church.

Q. You cannot answer, then, for what doctrines, either political or moral, that were preached in your absence?—A. No, sir; but I never heard any politics preached in the church while I was there.

Q. Do you ever attend any other church besides Emanuel Church?—A. Yes, sir; I attend Zion's Church sometimes; that is a Presbyterian Church.

Q. How often do you think you have attended services at Zion's Church since 1868?—A. I have been there twice in military uniform and I have been there several times since as a private citizen. Since Mr. Lafar has been pastor I have been there seven or eight times.

Q. How long has he been preaching there?—A. About one year and a half.

Q. Did you ever attend the Rev. Richard H. Cain's church?—A. Yes, sir; that is the church I most always go to.

Q. How often have you attended Emanuel Church while R. H. Cain was pastor?—A. Pretty often.

Q. Very frequently?—A. No, sir; the fact is, I attended the church in the years 1875 and 1876 more often than I did at any other time.

Q. Did you not, in your examination-in-chief, when you were first produced by Mr. Mackey, testify to the declaration you made about the way the election was conducted at the Thirty-two Mile House?—A. Yes, sir; and I stand by what I said then.

Q. Do you propose to variate it now?—A. No, sir; I don't. I will stand by that.

Deposition of B. F. Smalls.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

BENJAMIN F. SMALLS, a witness of legal age, produced by contestant in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. State your age and residence.—Answer. I am 35 years old and reside in the city of Charleston.

Q. Are you connected with any colored organizations?—A. Yes, sir; I am president of the United Association, which is made up of the members of the United Fire Engine Company, of which I was president until it was disbanded recently. I am also a member of an Odd Fellows lodge.

Q. You say your fire company has been recently disbanded?—A. Yes, sir.

Q. Was it not disbanded by resolution of city council reducing the fire department?—A. Yes, sir.

Q. How long were you president of that company?—A. About four years.

Q. Previous to your being president, did you hold any other position in it?—A. Two years I was secretary, and afterwards president. I think the company was organized in 1869.

Q. About what was the strength of that fire company?—A. Previous to 1870 we had 82 members on the roll. Since then the number has been reduced by deaths and men leaving the State. On the roll of the association we have 63 members.

Q. Was it ever allowed in that company for one member to prefer charges against another for voting the Democratic ticket?—A. There never was any such charge made against any member, nor would it be allowed. Politics were hardly ever spoken of in the organization.

Q. Was any member ever expelled or censured for voting the Democratic ticket?—A. No, sir; I never knew of any. In the Cunningham-Wagner municipal election, I voted the Democratic ticket myself.

Q. You voted the Democratic ticket while you were president?—A. Yes, sir.

Q. Were there any men in your organization known as Democrats, or who voted the Democratic ticket?—A. I have heard of two or three men who said they voted the Democratic ticket. William Richardson told me he voted the Democratic ticket.

Q. Was it generally known among the members that he voted the Democratic ticket?—A. Yes, sir.

Q. Was any action taken in regard to it by the company?—A. No, sir.

Q. Do you belong to any other association?—A. I belong to the Odd Fellows.

Q. Do you know of any member ever being expelled from your lodge for having voted the Democratic ticket?—A. One of the rules of the order is that no man's politics or religion shall be interfered with.

Q. Is it true that no colored man can vote the Democratic ticket without being interfered with by the other colored men, or ostracized by them?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket without the fear of being assaulted and mobbed by the other colored men?—A. No, sir. I don't think there is any danger. I believe every man has the right to vote as he pleases.

Q. Were you supervisor of election at Andell's store on John's Island at the last general election?—A. I was.

Q. Were any tissue tickets used there?—A. No, sir.

Q. How many kind of tickets were found in the box at that poll?—A. Two kinds only, the regular Republican ticket and the regular Democratic ticket—both large tickets.

(The foregoing questions, or such as relate to matters not connected with the contest, are objected to by contestee as not legally in reply to any new matter developed in the testimony in rebuttal.)

Deposition of J. A. Williams.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

JAMES A. WILLIAMS, a witness of legal age produced by contestant in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. State your age and residence.—Answer. Age 32; residence, 51 King st., city of Charleston.

Q. Are you connected with any colored organizations or associations?
—A. Yes, sir; I am connected with Comet Steam Fire Engine Company, the Carolina Light Infantry, and the Live Oak Mutual Insurance Company.

Q. What position, if any, do you hold in the Carolina Light Infantry?
—A. Captain.

Q. What position in the Comet Steam Fire Engine Company?—A. President.

Q. What position in the Live Oak Mutual Insurance Company?—A. Simply a member.

Q. How large a membership has the Comet Steam Fire Engine Company?—A. It has been quite a large organization, but the membership has been recently curtailed. The membership now is 88. We have had as high as 150.

Q. What is the membership of the Carolina Light Infantry?—A. Seventy-three, rank and file.

Q. In either your military or fire company or any other organization of which you are a member, have you ever known of any colored man being ostracized by the other members for voting the Democratic ticket or acting with the Democratic party?—A. No, sir; politics is something, as a commanding officer, that I wouldn't allow to be discussed in my meetings. Although I have been a candidate myself for office in two or three elections, I never carried politics into any of my companies.

Q. In any of these organizations, would one member be allowed to charge against another as an offense the fact that such member had voted the Democratic ticket?—A. No, sir; such a charge was never made in any company to which I belong.

Q. Is it true that a colored man cannot vote the Democratic ticket in this city without the fear of being ostracized and abused by the other colored men?—A. I don't think so. So far as my companies are concerned there is never any question made as to how a man votes. I don't know of my own knowledge, but I am told that there are one or two Democrats in our company.

Q. Do you attend any colored church in the city of Charleston?—A. Yes, sir; I do.

Q. What church?—A. I don't belong to any, but I attend Emanuel Church, in Calhoun street.

Q. Of what denomination is that church?—A. African Methodist Episcopal.

Q. Is it customary for the minister of that church to preach politics?—A. I never heard any of them preach politics. At one time I recollect that Rev. R. H. Cain introduced politics into one of his sermons, and he was asked to step from the pulpit.

Q. When was that?—A. At the time Cain ran against O'Connor. I remember that he touched upon politics in one of his addresses, and they requested him to stop it. He didn't exactly preach a political sermon.

Q. Is it customary for the preachers at that church to advise the people as to how they shall vote?—A. Not to my knowledge. I never heard them advise the people, and I never heard of their talking politics at any election.

Q. Is it true that most of the respectable colored people in the city of Charleston are Democrats?—A. I don't think so.

Q. From your associations amongst them, have you any reason to believe that it is so?—A. No, sir; I regard the great majority of them as Republicans.

Q. So far as your knowledge extends, is it true that a majority of the colored people are Democrats?—A. I don't think so. I dont think they are.

Q. Do you associate with what certain people term "the better class colored people" in the city of Charleston?—A. Yes, sir.

Q. Is not the military company of which you are captain very often styled "the aristocratic colored company" of Charleston?—A. The News and Courier styles it so. They called it the "upper tens" once.

Q. What is the membership of the Live Oak Mutual Insurance Company of which you are a member?—A. Ninety odd members.

Q. Are political discussions allowed in that association?—A. No, sir; the president is a well-known colored Democrat—C. C. Leslie.

Q. How do the members stand politically?—A. Some Republicans and some Democrats.

Q. Is it a kind of mutual aid association?—A. Yes, sir.

(To all of the foregoing questions counsel for contestee objects, on the ground that they are not in reply to any new matter developed by contestee.)

In reply, contestant claims that the evidence given by witness is strictly in rebuttal of testimony produced by contestee.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. How much colored blood have you in your veins?—A. I don't know.

Q. Are you not what is known as a quadroon?—A. Yes, sir; I have been so termed.

Q. That means about three-fourths white and one-fourth colored?—A. Yes, sir.

Q. Is not the congregation of the church which you attend composed almost entirely of people like yourself—not full-colored people?—A. A great many are simon-pure.

Q. Do you go to St. Mark's Church sometimes?—A. Occasionally. I visit all the churches. Sometimes I go to St. Peter's.

Q. Is not the society in which you associate rather secluded? Is it not considered to be the most aristocratic colored society in the city?—A. It might be so considered by some. I don't know as a general thing whether it is so or not.

Q. Are not a great many of your associate rather above the masses of the colored people?—A. I can't answer that. I never noticed any discrimination amongst them. Some may be like myself. I don't like to take everybody as an associate.

Q. Were you a member of the police force at the time of the riot in '76?—A. Yes, sir; during both riots—the King st. and the Broad st. riot.

Q. In what capacity?—A. First lieutenant of the police.

Q. Did not the police use their firearms in the melee?—A. If you refer to the 8th of November, I don't know about that. I was out on my rounds when the riot occurred. When I got down town I didn't see them using any firearms. Mr. Walter had already been killed when I got down. I came down to assist Lieut. Fordham, and when I got down he firing had all subsided.

Q. Was not the city administration at the time of that riot Republican?—A. It was a kind of mixed administration—Democrats and Republicans.

Q. Who was mayor?—A. Geo. I. Cunningham.

Q. Is he not a Republican?—A. Yes, sir.

Q. Are you a Republican?—A. Yes, sir; always have been.

Q. Do you not believe, from the means of information that you had at the time of the riot, that the policemen did use their firearms in the streets?—A. It was so stated. I didn't see it. I saw some of the policemen wounded. All I can say is that firearms must have been used by some one.

Q. Was not Mr. Walter, a white man, the only person killed?—A. Yes, sir; the only one I saw.

Q. Was he not a Democrat?—A. I think so.

Q. Was any colored man, to your knowledge, killed?—A. I don't remember of any colored man being killed, but there were a number of persons wounded who may have afterwards died.

Q. If any of those who were shot had afterwards died, would you not in all human probability have heard of it?—A. I might have heard of it.

Q. In the organizations about which you have spoken, and in which you hold office and membership, you say nothing like politics are allowed?—A. Yes, sir; I said so.

Q. Have you heard politics discussed in other organizations among the colored people?—A. I have heard on the streets, during the Butle and Carpenter campaign, in 1872, that men were turned out of organizations.

Q. Did you not hear of some being turned out in 1876?—A. No, sir.

Q. You say the church which you attend is R. H. Cain's church?—A. It used to be commonly called Cain's church.

Q. Do you not know that Mr. Cain was a prominent Republican politician?—A. I know he was a candidate for Congress once. I know he was a politician.

Q. Has he not taken part in nearly all the political contests since reconstruction?—A. Yes, sir; since I have known him.

Q. How often have you heard him preach?—A. A good many times.

Q. Have you never heard him deliver incendiary speeches inside the church?—A. No, sir.

Q. Outside the church?—A. I remember after the Hamburg massacre he made a red-hot speech from the steps of the market hall.

Q. While in control of his church did he not exercise a powerful influence over his congregation?—A. Not to my knowledge.

Q. Were you a member of the Republican convention of this county in 1878?—A. Yes, sir.

Q. Was not the Republican party prior to that convention divided into two wings, one called the Mackey wing, and the other the Bowen wing?—A. Yes, sir; it was somewhat divided prior to that.

Q. Was not the Bowen wing supporting Mr. Taft for Congress, and the Mackey wing Mr. Mackey?—A. Mr. Bowen was supporting Mr. Taft but not his wing.

Q. When the county ticket was nominated by the convention and announced, did you not hear objections by Republicans to certain names on the county ticket?—A. I had some myself to the county ticket.

Q. The county ticket, then, did not give entire satisfaction to all the members of the Republican party?—A. I can only speak for myself. I had some objections as a Republican. If you wish to know them I can give them.

Q. You can state them.—A. My objections were to nominating Mr. McCrady and some other Democrats.

Q. Were there not other names on that ticket which rendered it extremely objectionable to members of the Republican party?—A. Then

were some names there that might not have been the best that could be selected, but like a good Republican I accepted it.

Q. Excepting lieutenant of police, have you held any other office, either under State or city?—A. Yes, sir; under Coroner Taft.

Q. Did you first receive your appointment under Mayor Cunningham's administration?—A. Yes, sir.

Q. Did you support Mr. Mackey for the nomination for Congress?—Yes, sir; I did.

Q. I don't mean in the election, but in the convention.—A. Yes, sir; in the convention I supported Mr. Mackey against Mr. Taft.

In reply by E. W. M. MACKEY, contestant:

Q. As you have been asked about the riot that occurred in the city of Charleston the day after the election of 1876, will you please state, if you can, what was the cause of it?—A. I cannot state how it occurred or what brought it about, but I suppose it was political excitement.

Q. In that riot were not a number of colored men wounded, even if none were killed?—A. According to the News and Courier, there were a number. I think a list of the wounded were published in that paper. I know one or two policemen were wounded.

Q. Did any objections that you may have had to the county ticket, or to any persons on the county ticket, in any way interfere with your support of Mr. Mackey for Congress?—A. No, sir; I did all I could to try and elect the ticket.

Deposition of O. W. Matthewes.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

O. W. MATTHEWES, a witness of legal age, produced by contestant in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. I am 34.

Q. Where do you reside?—A. No. 21 Cannon st., city of Charleston.

Q. Are you a member of any colored organizations or associations?—A. Yes, sir. I am a member of the Ashley Charitable Association and a member of the U. S. Grant Cavalry Company, and several others.

Q. Do you hold any position in the Ashley Fire Engine Company?—A. No, sir; I was president of that company until it was disbanded, not long ago. I am now president of the Ashley Charitable Association, which is composed of the members of the fire company.

Q. Until recently, then, you were president of the Ashley Fire Company?—A. Yes, sir. I was first a director, then vice-president, and then president.

Q. What was about its average membership?—A. Between 90 and 100 men on the roll. For active duty we could depend on 80 men.

Q. Has it not only been recently disbanded through the action of city council in reducing the fire department?—A. Yes, sir; since then it has been turned into a charitable association.

Q. How large a membership has the U. S. Grant Cavalry Company?—A. On the roll from 60 to 70. On parade from 30 to 40 men turn out.

Q. Are there any other associations to which you belong?—A. The Union Association.

Q. What is the membership of that association?—A. About 40. I is a charitable association altogether.

Q. Are there any others to which you belong?—A. None of any importance.

Q. You do belong to other minor associations?—A. Yes, sir.

Q. Either in the fire or military company of which you are a member or in any of the charitable associations to which you belong, have you ever known of a member being censured or expelled for voting the Democratic ticket or acting with the Democratic party?—A. No, sir; it is not allowed in any of them. In all of them members are only expelled for non-payment of dues or for misconduct.

Q. Is it true that a colored man cannot vote the Democratic ticket in this city without being ostracized by his associates or being expelled from any association to which he may belong?—A. No, sir.

Q. Are there any Democrats in any of these associations with which you are connected?—A. Yes, sir.

Q. Is it true that a colored man cannot vote the Democratic ticket without being beaten and assaulted by the other colored men for doing so?—A. I never saw or heard of any.

Q. Do you attend any colored church in the city of Charleston?—A. Yes, sir; Plymouth church and occasionally Centenary. In fact I generally go to all of them.

Q. Is it customary in the colored churches for ministers to preach politics and to tell the people how they must vote?—A. It is not.

Q. Is it true that the colored preachers are the political leaders of the colored people?—A. No, sir.

Q. Have you ever known or heard of a colored man being expelled from his church for voting the Democratic ticket?—A. Never heard nor never saw anything of the kind.

Q. If you wanted to vote the Democratic ticket could you do so without the fear of being ostracized or injured by the other colored people?—A. Yes, sir.

Q. From your association amongst and connection with the colored people, to what political party do the great masses of them belong?—A. To the Republican party.

Q. In proportion to the whole number of colored people in the city, the number who are Democrats large or small?—A. A very small number are Democrats. There are so few in number that they are hardly worth counting.

(Testimony of witness objected to by counsel for contestee as not reply.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a Republican?—A. Yes, sir; I always was since reconstruction.

Q. A strong and staunch Republican?—A. Yes, sir.

Q. You say you have heard of some instances of social ostracism on account of politics?—A. No; I don't know of any. Among the women there might be some, because they make a hullabaloo over everything but I never paid any attention to it.

Q. You say the women kick up a hullabaloo over it?—A. Yes, sir; the same as they always do in everything.

Q. Do you mean to say that you have heard of some instances of ostracism on account of politics?—A. No, sir.

Q. Have you ever heard of any?—A. No, sir.

Q. You say that from your associations you think that there are

very small number of negroes who are Democrats!—A. The majority of them are Republicans.

Q. You merely give that as your opinion!—A. As my knowledge.

Q. How do you get that knowledge!—A. Because I can see on the day of election how they vote, and I can judge from the mass meetings they have. Of those who are called Democrats among the colored people, I have seen very few. The vast majority of the colored element in Charleston are Republicans.

Q. When you say, then, that you have knowledge that the colored Democrats in the city of Charleston are in the minority, you mean to say that your knowledge of that fact is derived from your general observations of meetings, elections, &c.?—A. Yes, sir; and my associations with them.

Q. These are your means of observations!—A. Yes, sir.

Q. Have you ever held any political office!—A. Yes, sir.

Q. What office!—A. Messenger of city council; first under Mayor Pillsbury, and then under Mayor Wagener, and afterwards under Mayor Cunningham. I held the office up to the time Mr. Sale was elected.

Q. Mr. Pillsbury and Mr. Cunningham were both Republicans!—A. Yes, sir. The way I got the position under Mr. Pillsbury was by the death of my brother-in-law, who was messenger of council, and died before his time expired. When Mr. Pillsbury was defeated by Mr. Wagener, and Mr. Wagener became mayor, he found me in the office, and asked me if I was the messenger. I told him yes, sir; and I told him while I congratulated him upon his election, still I hadn't voted for him, but had voted for my friend Mr. Pillsbury. He said as you are a man of principle, I will retain you, and I served him faithfully until Mr. Cunningham defeated him.

In reply, by E. W. M. MACKEY, contestant:

Q. Was not Mr. Wagener a Democrat!—A. Yes, sir; a strong Democrat.

Deposition of W. J. Brodie.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

WILLIAM J. BRODIE, a witness of legal age, produced by contestant in rebuttal upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. What is your age!—Answer. My age is 42.

Q. Where is your residence!—A. A part of the time in the city of Charleston, and a part of the time in Summerville.

Q. What is your occupation!—A. Mechanic.

Q. Are you connected with any colored organizations or associations?—A. I am captain of the Attucks Light Infantry of this city.

Q. How long have you been captain of that company!—A. Ever since 1870.

Q. How large an organization is it!—A. The active members are 75, but we have a membership of 93 or 94.

Q. Have you ever known of colored men being censured or expelled by that organization for voting the Democratic ticket!—A. Never. There is a Democratic colored man, or rather he claims to be connected with the Democratic party, who is a member of our company. We

never had one who is a more prominent member. He takes part in everything we have.

Q. What is his name?—A. Joe Chappell. He lives in Montagu street, and is a carpenter.

Q. Is he an open and avowed Democrat?—A. Yes, sir.

Q. Is he ostracized by the other members of the company on account of his voting the Democratic ticket?—A. No, sir.

Q. In your company would one member be allowed to charge as an offense against another the fact that such member had voted the Democratic ticket?—A. No, sir.

Q. Do you allow political matters of that kind to be discussed in the company meetings?—A. I never do allow it.

Q. Do you belong to any other associations?—A. Yes, sir; to a Masonic lodge, and to an Odd-Fellows' lodge.

Q. In either of these lodges have you ever known a colored man to be expelled or censured for voting the Democratic ticket?—A. A number of our members are inclined to be Democrats, but we do not interfere with their politics. Every man is free to do as he wants to.

Q. Republicans and Democrats associate together in these lodges?—A. Yes, sir.

Q. Do you attend or are you a member of any church?—A. I am a communicant member of Plymouth Church of this city.

Q. Have you ever heard politics preached in that church?—A. Never.

Q. Is it true that the colored preachers are the political leaders of the colored people?—A. Mr. Cain is the only colored preacher that I know who has ever taken any part in politics.

Q. Did not R. H. Cain lose ground amongst his people on account of his meddling with politics?—A. He was compelled to give up his connection with the church on that account.

Q. If a colored man wants to vote the Democratic ticket in Charleston, cannot he do so without the fear of being mobbed or ostracized by the other colored people?—A. He could vote it with impunity. I know cases where I myself have offered tickets to colored men who had already been furnished tickets by their Democratic employers. After entreating them to vote with us, if they persisted in saying they had tickets, we left them to themselves and nobody interfered with them.

Q. From your associations amongst the colored people, to what political party would you say they generally belonged?—A. In my judgment I would say the great majority of the colored people were Republicans.

Q. Are there many Democrats amongst the colored people?—A. Very small number in my judgment.

Q. Was there any division in the Republican party at the last election?—A. None whatever.

(The testimony of this witness is objected to by contestee as not in reply, on the ground that it is a part of the original case of contestant.)

In reply contestant submits that the evidence of this witness is strictly in rebuttal of evidence produced by contestee to show ostracism, persecution, &c., against colored Democrats, and also to show that a majority of the colored people voted the Democratic ticket.)

Cross-examination by M. P. O'CONNOR, contestee:

Q. For whom did you vote for Congress?—A. For E. W. M. Mackey.

Q. Have you ever held office under the Republican party?—A. I was twice elected a member of the general assembly, first in 1868 and the again in 1876.

Q. Have you ever held any other office?—A. No other office.

- Q. What is your business?—A. Brick mason.
Q. Are you a native of the State?—A. I was born and bred here.
Q. Are you a black man?—A. I am.
Q. Did you take an active part in the election of 1878?—A. I did, in support of the Republican ticket.
Q. Were you a member of any of the rallying committees of your party?—A. No, sir; I was not.
Q. Was not a member of any of the working committees of your party?—A. No, sir; I always work independently.
Q. Had you a campaign club?—A. Yes, sir; we had one in Ward 6.
Q. What was it called?—A. Republican Campaign Club of Ward 5.
Q. What number composed it?—A. Between 100 and 150.
Q. Where did you vote on the day of election?—A. At the Eagle engine-house. I was living in ward 5.
Q. Did you remain there all day?—A. I was from one place to another.
Q. Did you visit any other poll?—A. I did.
Q. What poll?—A. The Ashley engine-house, ward 7, where I carried a number of friends of mine, who came down from the Six-mile house, where I did business. As there was no poll up there, I told my friends to come down to the city to vote and I would carry them to a proper place to vote.
Q. Were you out all day?—A. Most of the day.
Q. Engaged in what duty?—A. I was engaged in obtaining certificates for these persons in order that they might vote. There was a large number that came down from that parish—St. James Goose Creek—and were not allowed to vote. I then sought the proper officers to see if they would not be allowed to vote.
Q. Are any of your friends or associates Democrats?—A. Yes, sir.
Q. Who?—A. James Hayne, who is now dead, was a personal friend of mine. Mr. Stephney Riley is an associate of mine. We are in the military circle together. Joseph Chappel, who is a member of my company, and most of the men identified with the Democrats are friendly with me.
Q. Have you not heard of colored Democrats being denounced by colored Republicans?—A. No, sir; I never heard them denounced by colored Republicans.
Q. Do you say you have never heard them denounced?—A. I heard some speak of them unkindly in some respects.
Q. Have you heard such denunciations accompanied by threats?—A. None whatever.
Q. When did you hear these unkind denunciations or threats?—A. I heard them during the election between Chamberlain and Green. I think that was the time I heard them.
Q. Do you live in ward 5?—A. I do.
Q. Have lived there for some years?—A. Yes, sir; I have. I was residing in ward 5, and moved out of it just after the war to ward 6. I have since moved back to ward 5.
Q. Were you a member of the last Republican convention?—A. No, sir; I was not.
Q. Did you hear unfavorable comments made by Republicans as to the character of the ticket put forth by the Republican convention?—A. No, sir; I did not. I know I would have heard such things if they had been said.
Q. Did you not hear any names on that ticket spoken of as objectionable?—A. There were some that may have been objectionable.

Q. Were there not certain names on that ticket that were considered objectionable?—A. I don't know any names that were considered objectionable except Mr. McLaughlin, who was considered objectionable by a few. He was offered in the convention. I think that is where the objection to him was raised.

Q. Was Mr. Butby acceptable?—A. I cannot say; I heard Mr. Butby's name mentioned.

Q. Have you been a member of Mr. Mackey's or Mr. Bowen's wing of the Republican party?—A. I have always been a free man in politics. I have always been free and independent, and have always acted on my own judgment. Just as I felt I acted. I never affiliated in particular with either wing.

Q. Have you attended many Republican meetings?—A. I have not attended very many Republican meetings. I never go to meetings very much; I always leave that to others. Whenever my services were needed I assisted.

Q. You do nothing more than exercise your suffrage on election days?—A. That is all.

Q. Your views and your social intercourse would not throw you into political gatherings?—A. My advice is generally sought after by my friends, and in conversation I speak on the topics of the day.

Q. You avoid the society of extreme and violent persons?—A. Yes, sir; because that is not my temperament.

Q. Do you not know that there are in the ranks of the Republican party a number of very extreme and violent persons?—A. I don't know.

Q. Violent in speech and conduct?—A. There are some men in both parties that are violent in speaking and in conduct.

Q. You would not be apt to be thrown into the society of such characters yourself?—A. I sometimes get thrown in amongst such people, but I pay no regard to them.

Q. Do you know how the members of your company voted in the last election?—A. No, sir.

Q. Do you know how the members of your lodge voted in the last election?—A. No, sir; I cannot say how they voted, nor can they say how I voted. I never asked them for their support. I left it to their choice.

Q. Who is the officiating minister of the church which you say you attend?—A. Rev. Temple Cutner, of New York.

Q. Is it a mixed congregation or a black congregation?—A. A mixed congregation. We are a part of the old Circular Church.

Q. Mixed with colored and white?—A. Yes, sir; with some people whom you cannot tell whether they are white or not.

Q. Where is it located?—A. In Bee st., one door from the corner of Bull st. It is known as Plymouth Congregational Church. Mr. Cutner is a white man.

In reply by E. W. M. MACKEY, contestant:

Q. You were asked if there were not some extremely violent men in the Republican party; now, is there not some extremely violent men in the Democratic party?—A. I know of some few.

Q. So that extremely violent men are not confined to any particular party?—A. Not at all.

Q. You said something about certain colored men from the country who you had to show where to vote; now, were these men allowed to vote?—A. No, sir; they were not allowed to vote. I took them to the polls in wards 7 and 8, but they were rejected. I succeeded in voting a few

'e then came down to the Eagle engine-house in ward 5, but when e got there the Democratic rallyers claimed that they had already voted. From there I carried them to John st., and myself and Mr. Ford afterwards met Mr. Mackey at the corner of Broad & Meeting streets and told him about the difficulty we had in voting these men.

Q. Where were these men from?—A. From the Six-mile house.

Q. Was there any poll near there?—A. No, sir; they were instructed that all there who lived this side of the Six-mile house were to vote in the city.

Q. Did I understand you to say that when they attempted to vote in ward 5 the Democratic rallyers who had followed them from ward 7 charged that they had already voted in the latter ward?—A. Yes, sir.

Q. Are you certain they had not voted in ward 7?—A. No, sir.

Q. Did they get an opportunity to vote at all that day?—A. No, sir; they were rejected at all the polls, except seven who got a chance to vote by receiving a certificate from the United States marshal, which I took back to the poll.

Q. At what poll?—A. The Eagle engine-house, ward 5.

Q. What was the nature of that certificate?—A. It was an affidavit that they had not voted.

By M. P. O'CONNOR, contestee:

Q. Did you come down from the Six-mile house with these people?—A. No, sir.

Q. Where did you meet them?—A. At the corner of Meeting and Line st.

Q. Did you follow them up to the ballot-box, or did they fall into the line of voters?—A. They fell into the line. There were four or five who were rejected. They said that was not the place for them to vote.

Q. Did you see them rejected?—A. Yes, sir.

Q. Were you near enough to see that?—A. Yes, sir.

Q. How many were rejected in all?—A. About twelve. They were selected by a man who knew them as well as I did—Mr. Gonzales.

Q. You didn't meet them until you met them that morning at Line st.?—A. Yes, sir; I knew them up there.

Q. What time in the morning was it?—A. Between 5 and 6 o'clock. That is the time they got to the city.

Q. You had them in your charge that day?—A. I was assisting them find a place to vote.

Q. Did they have an appointment with you?—A. No, sir.

Q. How did you come to meet them, then?—A. I went to Line st. to furnish them with tickets.

Q. Did you send them word or did you know they were coming?—A. I knew they were coming.

Q. And you furnished them with tickets?—A. Yes, sir.

Q. They came down in charge of some one?—A. Yes, sir.

Q. Who was that person?—A. Jacob Porcher.

Q. You are a prominent Republican?—A. Yes, sir.

Q. And an active worker in the Republican party?—A. Yes, sir.

Q. You were a candidate on the Republican ticket for the legislature?—A. Yes, sir; I was.

By E. W. M. MACKEY, contestant:

Q. Had not the poll at which these men had been accustomed to vote been abolished?—A. It had been, and they would have had to go to the Six-mile house to have voted.

Q. In order to get to the 22-mile house they would have had to h
gone at least 16 miles?—A. Yes, sir.

Q. Whereas in coming to the city they had to go only six miles?—
Yes, sir.

Deposition of C. Smith.

In the matter of the contest of E. W. M. Mackey against M. P. O'Conn

STATE OF SOUTH CAROLINA,
Charleston County :

C. SMITH, a witness of legal age, produced by contestant in rebutt
upon due notice to contestee, deposes as follows in reference to questi
propounded by the contestant:

Question. Were you a supervisor of election at the last general ele
tion?—Answer. Yes, sir.

Q. At what poll?—A. City Hall, ward 1, city of Charleston.

Q. Is it true that very few white men were enabled to vote at th
poll because it was overcrowded with negroes?

(Question objected to by contestee as not in reply.)

A. No, sir.

Q. How do you know that such was not the case?—A. I know, b
ecause I was supervisor at that poll, and I was there all day, and I ha
every means of observing.

Q. In addition to your observations can you tell in any other way?
A. Yes; I have examined the poll-list of that poll and made a search
the city directory for each name on that poll-list, so as to find out wh
were white and who were colored, and it is evident from the number
names of white men on the poll-list that the whites had every opport
nity to vote. It is useless to say that the white men were deterred fro
voting there when everything was in their favor.

Q. In searching the city directory for the names on your poll-list, yo
purpose, if I understand you correctly, was to ascertain how many
the names recorded on that poll-list were white and how many colored?

A. Yes.

Q. State the result.—A. I have made a memorandum of the regal
and from that memorandum I will state—

(Contestee objects to the introduction of any memorandum, as well
to the competency of the testimony in reply, without regard to the fa
whether or not many of the white voters of the ward voted at oth
wards of the city.)

I will give the whole of my examination. There are 964 names on t
poll-list. Of these 456 are the names of white men, and 323 are t
names of colored men, residing in the city of Charleston. There we
185 names which I could not find in the directory at all, either as whi
or colored; but I am satisfied that a part of the 185 are the names
white men.

Q. Can you state about how many colored voters from the parishes
St. Andrews and St. James Goose Creek voted at your poll?—A. I thi
there were about seventy-five—not more. I don't know whether th
were from St. Andrews or St. James Goose Creek, but they were str
gers.

Q. What was the number of votes cast for member of Congress?
A. 960.

Q. What was the total number of votes polled?—A. 964.

Q. How many votes were cast for Mr. O'Connor and how many for Mr. Mackey?—A. 518 for Mr. Mackey and 442 for Mr. O'Connor.

Q. Were there any scratched tickets for Congressman?—A. There were four tickets in the box on which there was no name for Congressman.

Q. What kind of ticket was generally voted by the Democrats at your poll?—A. The red check-back tickets—the calico tickets, as they were called.

Q. When the votes were counted did you observe the different kinds of tickets in the box?—A. I saw every ticket that was taken out of the box.

Q. Of the Democratic tickets what proportion were calico or checked back tickets and what proportion plain white tickets?—A. From my recollection I would say that nearly all were checked back tickets. At least three-fourths were checked back tickets.

Q. Were there any Democratic tissue tickets found in the box?—A. I don't recollect seeing any small tissue tickets. If there were any they were very few. So few that I did not notice them.

Q. How did the poll-list, as kept by the managers, correspond with the number of ballots in the box?—A. There was an excess of three tickets only, and that number was drawn out and destroyed.

Q. Have you ever, at the request of the contestant, made an examination of a certified copy of the poll-list of the Market Hall poll, ward 3?—A. Yes.

Q. What was the object of that examination?—A. To see if the names on the poll-list could be found in the city directory.

Q. State what was the result of that examination?—A. On certain pages of the poll-list, in a certain handwriting, I found that the names were most all in the city directory, but on other pages, in another handwriting, the names could not be found except in a very few instances.

Q. Can you state which were the pages of that poll-list which contained names mostly found in the city directory?—A. I cannot state them from memory, but I have a memorandum, made during the examination, which will show.

Q. Refer to that memorandum and state the result?—A. Pages 1, 4, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, and 24 contain names which can nearly all be found in the city directory.

Q. Examine the poll-list and see what name occurs first on page 1?—A. J. A. Quackenbush.

Q. Turn to page 4 and see what is the first name there?—A. T. M. Mordecai.

Q. Page 9?—A. P. C. Gailliard.

Q. Page 10?—A.

Q. Page 11?—A.

Q. Page 12?—A.

Q. Page 13?—A.

Q. Page 15?—A.

Q. Page 16?—A.

Q. Page 17?—A.

Q. Page 18?—A.

Q. Page 19?—A.

Q. Page 20?—A.

Q. Page 22?—A.

Q. Page 23?—A.

Q. Page 24?—A. The first name is scratched out. The second is Wm. Smith.

Q. Are these the pages on which occur names that can be found in the city directory?—A. Yes.

Q. Did you examine the names on the other pages to see if them could be found in the city directory?—A. I examined the pages and found that the names which occurred on them could be found in the city directory, with an exception here and there. A single name on some of the pages could be found in the city directory, and on others only one or two.

Q. Have you made a memorandum of such names as you found in the city directory on these pages?—A. Yes.

Q. Have you that memorandum?—A. Yes; here it is.

The memorandum, which was submitted, as a part of the evidence of this witness, is as follows:

Names of persons occurring on certain pages of the Market Hall (or poll-list, which are found in Sholes' Directory of the city of Charleston, published Nov 15th, 1878.

- Page 2.—James Anderson, George Baker, Henry Chapman.
- “ 3.—Jack Myers, Jno. Weston, Frank Mitchell.
- “ 5.—Jno. Moore, Hy Dreyer, Jas. Walker, Jno. Campbell, Bell, Thos. Dougherty, George Washington.
- “ 6.—Tom. Bennett, Henry Aucrunc, Jno. Cochran.
- “ 7.—Wm. Burns.
- “ 8.—Jno. Collins, Jno. McNeil.
- “ 14.—Edwd. Anderson, Henry Williams, Frank Simonds, E. Maxwell.
- “ 21.—Jim McDougall, Edwd. Anderson, Robt. Scanlan, Samuel, Thos. Daley, Jim Mitchell.
- “ 25. Wm. Maguire.
- “ 26. Ben. Brown, Jas. McNeal, Tom Chisolm.
- “ 27. Andrew Brown.
- “ 30. Moses Smith.
- “ 31. Henry Edwards.
- “ 32. Moses Smith.
- “ 33. Joe Smith, Nat Williams, Robert White.
- “ 34. Henry Miller.
- “ 37. Fred. Myer.
- “ 38. W. H. Welch.

Q. Is that the result of your examination?—A. Yes; and I will say that those are very common names, and it looks as if it were by accident that they were hit upon.

Q. Have you ever made, at the request of the contestant, an examination of the poll-list of the Palmetto engine-house, ward 3, in order to ascertain how many of the names recorded on that poll-list are found in the city directory?—A. Yes.

Q. Have you made a statement of the result of that examination?—A. Yes.

Q. Have you that statement?—A. Yes.

Q. What does it show?—A. It shows the number of names on each page of the poll-list which are found in the city directory.

The statement which was submitted in evidence is as follows:

names of persons occurring on the certified copy of the poll-list of the Palmetto engine-house, ward 3, kept at the general election, Nov. 5th, 1878, which are found in Sholes' Directory of the city of Charleston, published Nov. 15th, 1878 :

n page 1, 25 names.	On page 42, 0 names.
" 2, 49 "	" " 43, 0 "
" 3, 45 "	" " 44, 0 "
" 4, 35 "	" " 45, 2 "
" 5, 43 "	" " 46, 0 "
" 6, 47 "	" " 47, 0 "
" 7, 38 "	" " 48, 1 "
" 8, 48 "	" " 49, 2 "
" 9, 35 "	" " 50, 1 "
" 10, 37 "	" " 51, 1 "
" 11, 33 "	" " 52, 3 "
" 12, 23 "	" " 53, 2 "
" 13, 23 "	" " 54, 1 "
" 14, 20 "	" " 55, 1 "
" 15, 24 "	" " 56, 1 "
" 16, 22 "	" " 57, 0 "
" 17, 22 "	" " 58, 1 "
" 18, 26 "	" " 59, 1 "
" 19, 18 "	" " 60, 1 "
" 20, 16 "	" " 61, 1 "
" 21, 25 "	" " 62, 1 "
" 22, 11 "	" " 63, 1 "
" 23, 33 "	" " 64, 2 "
" 24, 1 "	" " 65, 7 "
" 25, 33 "	" " 66, 4 "
" 26, 46 "	" " 67, 4 "
" 27, 38 "	" " 68, 2 "
" 28, 15 "	" " 69, 0 "
" 29, 20 "	" " 70, 2 "
" 30, 24 "	" " 71, 1 "
" 31, 36 "	" " 72, 1 "
" 32, 3 "	" " 73, 1 "
" 33, 1 "	" " 74, 2 "
" 34, 5 "	" " 75, 0 "
" 35, 0 "	" " 76, 1 "
" 36, 3 "	" " 77, 2 "
" 37, 0 "	" " 78, 0 "
" 38, 3 "	" " 79, 1 "
" 39, 0 "	
" 40, 1 "	Total, 1,078 " _____
" 41, 0 "	



3. Did you make a careful and thorough search in the directory for all name on the poll-list?—A. Yes.
4. Are you satisfied that none of the other names can be found in the directory?—A. Yes.
5. What city directory was used by you in these several examinations?—A. The city directory of Charleston, published Nov. 15th, 1878, Sholes.
6. Have you examined that directory to ascertain also how many names it contains—that is, how many white and how many colored?—

A. Yes; I counted all the names in the directory, and I find that there are 7,213 white males and 5,776 colored males, residents of the city of Charleston.

Q. Did you go through the whole directory?—A. Every name in directory, page by page.

Q. How are the colored distinguished from the whites in the directory?—A. By the letter c. opposite the name of each colored person.

(A copy of Sholes' City Directory for 1871 was here introduced in evidence.)

(Contestee objects to all of the foregoing questions propounded by contestant to this witness as inadmissible, upon the ground that they are not in reply to any new matter developed in the testimony taken by contestee, and the questions now propounded are part of the same which were propounded to other witnesses produced by contestant in his examination-in-chief to make out his case in the first instance, and therefore simply additions to the testimony taken in chief by contestant for the proof of his case. Contestee also objects to the competency of the witness as an expert, and insists that all memoranda offered in answers to inquiries addressed to him are incompetent and inadmissible.)

In reply to so much of contestee's objections which relate to the testimony of this witness in regard to the poll-lists of the Palmetto engine-house and the Marion engine-house, contestant, while contending it is strictly in rebuttal, as he is prepared to show whenever the question is discussed, is, nevertheless, willing that the contestee should, at any time during the time allowed contestant, produce such witnesses as may desire to rebut it.

Contestee submits that he will have no opportunity to reply to new matter, which, if contestee admits to be admissible at all, is to be new matter, which operates as a surprise upon contestee, and all the rest of the time limited for the taking of testimony in this contest (contestee has reasons to believe will be consumed by contestant.)

Cross-examination by M. P. O'CONNOR, contestee:

Q. Did you ever testify before in this case?—A. No, sir.

Q. You never testified?—A. No, sir; not in this case.

Q. Where do you live?—A. On Sullivan's Island.

Q. How long have you been living there?—A. About seven months.

Q. What position do you hold there?—A. I am assistant keeper of the light-house.

Q. Under the government?—A. Yes, sir.

Q. By whose intervention did you get the appointment to that office?—A. I was recommended by the superintendent of lights, Mr. C. H. Baldwin.

Q. Were you recommended to Mr. Baldwin by Mr. Mackey?—I don't know.

Q. Were you on intimate terms with Mr. Mackey?—A. No, sir; I do not say that I am on intimate terms with him.

Q. Were you a regular attendant in this city in the rooms where Mackey took his testimony in chief?—A. Yes, sir; pretty regular.

Q. Did you not attend those examinations from day to day?—I attended them pretty often.

Q. In what capacity?—A. In no capacity particularly.

Q. What were you doing here?—A. Sometimes I had employment here and sometimes not.

Q. Since he closed his examination, have you been in attendance

as you were when the examination was going on?—A. I ceased to come to this office when I had business elsewhere.

Q. Have you been in attendance the same as you were when he was taking his evidence?—A. I would say not.

Q. Were you taking notes in this case?—A. No, sir.

Q. Did you not take part in the transcribing of his testimony?—A. Yes, sir.

Q. You were employed by Mr. Mackey?—A. Yes, sir.

Q. And you expect to be paid for that?—A. Yes, sir; I have been paid some already.

Q. Are you a Republican?—A. Yes, sir.

Q. How long have you been a Republican?—A. A little over ten years.

Q. Have you taken an active part in Republican politics in this city?—A. No, sir; not in this city.

Q. Where have you taken an active part?—A. In the county where I lived all my life until recently.

Q. In what county?—A. Marion County.

Q. How long have you been living in Charleston County?—A. About two years.

Q. Is your acquaintance there large with the white people?—A. I know more white than colored people.

Q. Is your acquaintance extensive?—A. I can't say that, but I know a great many people by reputation.

Q. When you were in the city what did you do?—A. I was employed in the U. S. custom-house.

Q. In what capacity?—A. As time-keeper.

Q. Were you there under Mr. Worthington?—A. Yes, sir.

Q. Were you discharged from that position?—A. No, sir.

Q. Did you resign it?—A. No, sir.

Q. Why did you leave it?—A. I left when the work ceased.

Q. When did the work cease?—A. In my department, about September, 1878.

Q. Do you recognize that there have been two wings of the Republican party in this county, one led by Mr. Bowen and the other by Mr. Mackey?—A. I have heard of that.

Q. Have you been a supporter of Mr. Mackey or Mr. Bowen?—A. I have taken no part in politics here except to vote.

Q. Have you ever held any other office besides the one you spoke of?—A. Yes, sir; several.

Q. What were they?—A. I cannot remember them.

Q. Try and remember them.—A. I was first a trial justice.

Q. Under whom?—A. I was first appointed under Gov. Orr, then under Gov. Scott, then under Gov. Moses, and then under Gov. Chamberlain.

Q. Have you ever been a member of any of the Republican conventions?—A. Yes, sir; of most all of them—of the State conventions.

Q. Were you a member of the Republican convention held in this city in 1878?—A. No, sir.

Q. Have you not always been a Republican partisan?—A. Yes, sir.

Q. Did you vote for Mr. Mackey for Congress?—A. Yes, sir.

Q. How many white people do you visit in ward 1?—A. I don't think I visit any.

Q. You were at the poll in ward 1 on the day of election?—A. Yes, sir.

Q. That poll is held inside the city hall?—A. Yes, sir.

Q. Did you have a view of what was going on in the street?—A. sir, at times; but where the managers stood was out of view.

Q. Where you stood was also out of view?—A. Yes, sir.

Q. Could you see any crowd that gather outside?—A. Not wh was sitting down.

Q. How often did you leave your post at the poll?—A. A great n times for a minute or two, and sometimes longer than that.

Q. Was there not a long line of negroes moving up to that poll ne the whole day?—A. I don't remember having seen a long line of persons. There might have been early in the morning. Then I particularly engaged; towards the middle of the day I was not so b and had time to look out. I didn't think then that the line was lon

Q. During the day was not the place so filled up with people that could not pass?—A. I think that in the early part of the day there a crowd waiting there to vote. I judge that from the rapidity v which they were voting.

Q. Do you recollect when Mr. Ravenel tried to carry Dr. Gibbes to vote?—A. I think I do.

Q. Don't you know he came in with him?—A. Yes, sir; I think s

Q. Don't you recollect he brought him in out of the line and he in a hurry and he asked a place for him and he got it?—A. I thin remember the circumstance of a feeble old gentleman coming in th

Q. Were not the number of colored people around the poll greater than the number of white people?—A. Not that I saw. I am speak of what I saw. Most every man around there was a white man, so m so that I had to ask the managers at one time to put them outside, cause they were interfering with the election. I don't think there w but two colored men allowed near the poll, and they were deputy n shals.

Q. Were the white men inside the enclosure?—A. Yes, sir.

Q. Do you remember any?—A. Yes, sir.

Q. Name some of them.—A. I remember Mr. Bryan—Mr. Geo. Bryan. He stayed there a little while. J. P. K. Bryan was th nearly all day.

Q. Who else do you remember seeing there?—A. Those are all wh names I can remeueber.

Q. These are the only two names you can remember?—A. Yes, t these are all I can remember now.

Q. How many colored people in the city do you know?—A. A g number.

Q. How do you distinguish between the city and the country bl people so as to arrive at the conclusion that 75 strange people voted that poll?—A. I judge so from their dress and manners.

Q. Are these your reasons?—A. There might have been other reas but I don't remember them now.

Q. Did you take note of every man who had on a costume which you to believe he was a countryman?—A. No, sir.

Q. This, then, is a vague notion that you have arrived at since election?—A. No, sir; I don't think so. I think it is an accurate e mate.

Q. How many black people in ward 1 do you know?—A. I can't

Q. Do you know a dozen?—A. I presume I know more.

Q. Do you know twelve black people in the first ward of the city A. I wouldn't swear I knew twelve or one, nor would I swear I kn five hundred.

Q. Do you know any black people who live in St. Andrew's?—A. I don't know that I do.

Q. Do you know any black people who live on James Island?—A. I don't know.

Q. Do you know any black people who live in ward 3?—A. I suppose I do.

Q. How many?—A. I don't know.

Q. Do you know a dozen?—A. I may know more and I may know less.

Q. Can you give the names of any you know in ward 3?—A. I don't remember any just now.

Q. How long have you been engaged in collating for Mr. Mackey these statistics in regard to which you have testified?—A. I commenced collating some time ago.

Q. How long ago?—A. Four or five months ago; but I have not been continuously at it.

Q. Did you have any Democrat to assist you?—A. No, sir; no one assisted me.

Q. Did you compare your notes with any Democrats?—A. No, sir.

Q. Did you exhibit the results of your investigation to any person interested in the Democratic party?—A. No, sir.

Q. Did you frequently confer with Mr. Mackey while you were engaged in collating those statistics?—A. No, sir; Mr. Mackey merely told me what information he wanted, and instructed me what to do.

Q. He instructed you what to do?—A. Yes, sir; he told me how he wanted it done—the same as I have testified to-day. I had no further consultation with him until to-day.

Q. Do you not know that there was a large number of colored people from the country in the city of Charleston on the day of election?—A. I knew of no more than I saw at ward 1.

Q. And you mean to say you didn't see a large crowd of colored people there?—A. About 75. I said I saw about 75 from the country who voted. There were more there seeking to vote who didn't vote.

Q. Did you make any complaint to the U. S. marshal that day about the managers of election?—A. No, sir.

Q. Did you make any complaint to the managers?—A. Yes, sir; several times.

Q. What was your complaint?—A. I complained about their refusing to allow certain men to vote for reasons that I regarded as trivial and illegal.

Q. The managers had decided upon such cases?—A. Yes, sir.

Q. You were not satisfied with the majority that the Republican party got at that poll?—A. I was not informed as to how that poll stood until the votes were counted. I didn't know until then whether the Republicans could claim a majority or not. I knew nothing until the votes were counted.

Q. Upon whose recommendation were you appointed supervisor?—A. I presume upon the recommendation of the chairman of the Republican party.

Q. Did you ever speak to Mr. Mackey in regard to your duties on that day?—A. Yes, sir; not before the election, but after.

Q. You acted in the interests of the Republican party there?—A. Yes, sir; I was appointed in the interests of the Republican party.

Q. Are you a native of this State?—A. Yes.

Q. Besides looking into the directory, did you attempt to make a census of every vote cast at these wards?—A. No, sir.

Q. And you say that the whole of your observation as to the cond of things in Charleston that day, and the increase of population confined to ward 1?—A. Yes, sir; my personal observations were confined to ward 1.

In reply, by E. W. M. MACKEY, contestant:

Q. You said you were a native of this State. Were you not at the Confederate army?—A. Yes, sir.

Q. When persons offered to vote at your poll, were they generally asked where they lived?—A. Yes, sir.

Q. Did persons from the country, when asked where they lived the managers?—A. Yes, sir.

Q. In forming your opinion as to how many people from the country voted at that poll (ward 1), were you aided by the answers voters to questions as to where they lived?—A. Yes, sir. Every colored man unless he was well known to the managers, was asked where he lived.

Q. You said there were some colored men who sought to vote did not vote. Now state why they did not vote.—A. Because they refused the right to vote.

Q. By whom?—A. The managers of elections.

Q. On what grounds?—A. On various grounds; but the colored people were refused principally on the ground that they didn't live in the city, but lived in the country, and they should have voted at the nearest polling place to where they landed.

Q. Was that rule observed throughout the day?—A. In the first part of the day there was no objections to a country person voting after ten o'clock this change was made by the managers as to the qualification of voters from the country.

C. SMITH

Sworn to and subscribed before me this 28th day of Nov., A. D.

E. H. HOGARTH,
Notary Public, So. C.

Deposition of James Robinson.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor,

STATE OF SOUTH CAROLINA,

Charleston County:

JAMES ROBINSON, a witness of legal age, produced by contestants for rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestants:

Question. State your age and residence.—Answer. I am thirty years of age, and reside No. 32 Morris street.

Q. Were you one of the deputy United States marshals at the Washington engine-house, ward 6, on the day of the last general election in 1878?—A. I was.

Q. Were you there in the evening when the poll closed?—A. I was.

Q. Were you there at the time the lights were put out and the ballot box carried off?—A. I was.

Q. Did you have anything to do with putting out the lights?—A. No, sir.

Q. Did you put out any of the lights?—A. No, sir.

Q. Where were you standing when the lights last went out?—A. I was standing in the southwest corner of the building.

Q. Where were you standing when the lights were relit, after the last time when the ballot-box was taken off—any where near Mr. Taylor, one of the managers?—A. No, sir, I was not standing by Mr. Taylor.

Q. Is it true that when those lights were relit, you were standing near Mr. Taylor with a club in your hand?—A. No, sir, I had no club.

Q. Did you have any club in your hand during that evening or day?—A. No, sir; I had no use for a club; I was not a policeman.

Q. Did you have a large walking-stick that might be considered as a club?—A. I don't walk with a walking-stick.

Q. Did you have any stick in your hand?—A. No, sir.

Q. Did you strike Mr. Taylor?—A. No, sir; when the light was relit I was the man that struck the match myself. I was by the gas light, which was over my head. I struck the match to light the candle. In striking the match, I saw Mr. Taylor was by the reel of the engine, about 7 feet from me; he hollered, when I struck the match, "don't shoot," "don't shoot." At that time another gentleman was in the house, Mr. Alexander. The only three men in the house were Mr. Taylor, Mr. Alexander, and myself. There were some shavings there, and I grabbed them up and lit this light from the shavings.

Q. When you attempted to light the light, would it light at all?—A. No, sir; the gas was completely gone.

Q. Had the gas been turned off?—A. Yes, sir, been turned off.

Q. You say that you finally succeeded in lighting the candle?—A. Yes, sir.

Q. Did you succeed in lighting the gas at all?—A. No, sir; not until Mr. Lacoste, the engineer, came in. I told him he was the man that turned off the gas. I said, "I saw you try to turn off that gas." I will take an oath that Mr. Lacoste turned off the gas, because I was there and saw him.

Q. Is he a Democrat?—A. I don't know.

Q. Is he a white man?—A. I don't know; some people say he is white, but I know he has colored sisters.

Q. Is he a member of the Washington Fire-Engine Company?—A. Yes, sir.

Q. Is that a white company?—A. Yes, sir. He may be a white man, but a blacker man than myself married his sister.

Q. You say Mr. Lacoste was engineer of the Washington Fire-Engine Company?—A. Yes, sir.

Q. You say you positively saw him turning off the gas?—A. Yes, sir; saw him feeling for the meter.

Q. Before the lights went out?—A. Yes, sir; before the lights went out.

Q. How did you come to see him?—A. After the closing of the poll the managers ordered the doors of the engine-house to be closed. I asked Mr. Taylor, one of the managers, not to close the large door. He did yes, he had the right to close the door, and said there was not to be any one in there but the supervisors and managers of election. I did all right. About that time, while I was protesting against the closing of the doors, Capt. Rhett and Lieutenant Smith came up. Lt. Smith bid me to come in, he was going to close the doors. I said the doors ought to be kept open, but if you are going to close the doors let nobody but the managers and supervisors remain in. Just after the doors were closed there came a knock at the small door, towards the east, and a man was admitted, and I then asked Mr. Taylor, "Who is that?" and he said, "A member of the company." Soon after another knock came, and another man was admitted, and again I asked, "Who is that?" and

he said, "A member of the company." This kept on until the r was that there were twenty-five or thirty men in there. I said to Taylor, "How is that; there are about two dozen white men and four of us?" He said, "These are members of the company." I "But they have no right to crowd the table." There was one ge man in the crowd who clerks in King street. He said, "I heard a c sight about you, and I will see about you directly." There was a p running across between us from the engine to where we were. managers said, "You must get back and not crowd the table." asked me, "Is your name Robinson?" I said, "Yes." Shortly Mr. Lacoste called me to the door and told me Mr. Angel want come in. He is a clerk for Mr. Wittscoffsky, corner of King and ren streets. I told him that I had no power to let anyone come in. ter that another man came in and asked the managers, " How are getting on?" The clerk said Mackey had gone ahead of O'Co some distance. They were then counting the votes for Congress. Just then some one knocked at the door. It was a gentleman wl now inspector of lumber. I was standing by Elfe at the time when tried to put the lights out, and Elfe said, " Didn't you see that?" I "No, I did not see it." Elfe said, "Don't you do it again." He "That is all right; I won't do it again." Then some other person to the door. It was then that I saw this man Lacoste when he v to the meters, and I saw when the lights went down. There were new candles on the table which were not lit. Some one then "Water is wanted in the meter." Some one then came to the door knocked "bang!" "bang!" and the lights then went out immedia

Q. How many Republicans were in that room when this occurred
A. So far as Republicans are concerned I am unable to say; but t were only four colored men in there.

Q. How many men you knew to be Republicans?—A. Only four.

Q. How many other men were in the room?—A. Between thirty and forty; near fifty of them.

Q. Did they seem to be Republicans?—A. They said they were Republicans, and they did not act as Republicans.

(The whole of this witness' testimony is objected to by contestants being part of the original case of contestant and not legally in re for this, and for the other reasons given in contestee's objection to evidence of Norris upon the same subject and relating to the same contestee contends that the same should be excluded as inadmissi

Cross-examination by M. P. O'CONNOR, contestee:

Q. Are you a black man?—A. Oh, yes, sir.

Q. You were born in Charleston?—A. No, sir.

Q. Where?—A. Beaufort, South Carolina.

Q. How long have you lived in Charleston?—A. Since 1865.

Q. Came here after the war?—A. Yes, sir.

Q. What is your business?—A. Barber.

Q. Where is your barber shop?—A. No. 232 King street.

Q. Are you a journeyman or boss barber?—A. I am a boss ba myself; I carry on my own business.

Q. You have always been a Republican?—A. Oh, yes, sir.

Q. Who did you vote for for Congress?—A. For Col. Mackey.

Q. By whom were you appointed deputy United States marshal? Col. Wallace.

Q. Upon whose recommendation?—A. I don't know; the fir knew about it was when I saw my name in the papers.

Q. Were there any Democratic deputy United States marshals at that poll that day?—A. I am unable to say.

Q. Were there any you knew to be Democrats?—A. No, sir.

Q. Were there any Democratic deputy United States marshals that you knew in the hall after the poll closed that evening?—A. Not as I know of; there were only three of us there; there were only two that belonged to that poll.

Q. Those three were Republicans?—A. To my knowledge.

Q. Don't you know them to be Republicans?—A. No, sir.

Q. Did you not know that Norris was a Republican?—A. Yes, sir; from his talk.

Q. What was the other deputy marshal's name?—A. I don't know; he came there afterwards; he did not belong to that poll.

Q. Have you ever been a member of the Republican convention?—A. Yes, sir.

Q. Which one?—A. Several.

Q. Were you a member of the Republican convention in 1878?—A. Yes, sir.

Q. Which ward were you elected from?—A. Ward 6.

Q. Have you always taken an active part in the various contests that have taken place in the State?—A. Yes, sir; so far as voting is concerned and fooling around.

Q. And working around?—A. Yes, sir.

Q. Are you a member of the Hunkidori Club?—A. No, sir.

Q. Did you ever hear of such a club?—A. I have.

Q. You are not a member of it?—A. No, sir.

Q. Have you ever held any Republican office in this State?—A. Not in the State, but in the city. I was a sergeant of the police force.

Q. Under what administration?—A. Cunningham's.

Q. What years?—A. I don't exactly remember; I was there with him four years.

Q. Were you not a policeman during the election of 1876?—A. Yes, sir.

Q. Were you engaged in the ado or riot that took place in Broad st. in 1876?—A. No, sir; I was not. I was in my bed sleeping when it started.

Q. You didn't take part in it?—A. No, sir; I heard about it after I got down here.

Q. You were not on duty on the day of the riot; did you come down here with arms in your hands?—A. Yes, sir.

Q. Were they Winchesters?—A. No, sir.

Q. Did you come down alone, or in a squad?—A. In a squad.

Q. Under whose command?—A. Lieutenant Cassidy.

Q. Were you equipped with balls and cartridges?—A. Yes, sir.

Q. Are you certain that the rifles were not loaded?—A. They were not loaded.

Q. Seventeen shooters, were they not?—A. No, sir; common Enfield rifles.

Q. I asked you if they were Winchesters?—A. No, sir; we did not have any at the upper station-house.

Q. Were they breech-loaders?—A. Yes, sir.

Q. What other office did you hold save and except the office on the police force that you speak of?—A. None; not at the gift of the people. I never held any office except sergeant of police.

Q. You never held any office or derived any emolument or pay under the Republican administration?—A. No, sir.

Q. What other convention did you attend as a delegate except the convention of 1878?—A. I attended nearly every one. I don't think I got defeated but once in my life.

Q. Have you always been a follower of Mr. Mackey's wing of the Republican party?—A. Yes, sir; pretty much with him. I followed him even into the Green movement, and all.

Q. Have you ever been under indictment?—A. Not in my life. If I was ever indicted they never brought me up.

Q. You are very well acquainted in Charleston, are you not?—A. Yes, sir.

Q. Being on the police force you had ample opportunities for getting acquainted with the citizens generally?—A. Yes, sir.

Q. Will you please name me some of those men that came in the engine-house after the polls were closed?—A. I don't think I know them but by sight; they know me well. I met two or three of them to-day, but I don't exactly know their names. There are one or two there on Broad street, young lawyers, and some one or two that I knew to be merchants; one I know to be a hunter—does nothing but hunting.

Q. Can you name one of them that is a lawyer on Broad street?—A. No, sir. I don't think I can. I saw one no longer than ten minutes ago I will tell you one I can name; he is a German; his father used to keep a baker's shop corner of Cannon and Rutledge streets; he is a lawyer; and some others I saw I knew to be lawyers.

Q. Were they members of the Washington Fire Engine Company?—A. That was the answer Mr. Taylor gave me. When I asked him he said "Robinson, we cannot keep out the members of the company."

Q. Can you not name a single lawyer that came and knocked at that door?—A. No, sir; but I think his name is Klien.

Q. You cannot name any other man that came in?—A. No, sir; I don't know them by name. I know one came in there by the name of Marshall; he lives at the corner of Vanderhorst and Comingo streets, but I could not tell you the others' names.

Q. Did any one strike Mr. Taylor there that night?—A. He said he was struck, but I did not see anybody hit him.

Q. Did you see him when he got up?—A. No, sir; that was done in the dark.

Q. Did he claim that he was knocked down?—A. He claimed that he was knocked down out of the door.

Q. When the light was put out at first, was it not relit at the jet?—A. Yes, sir.

Q. How did they light the gas if it was turned off?—A. Lacoste turned it on.

Q. How do you know?—A. The meter was in the same room I was.

Q. Right side of you?—A. No, sir; about 12 feet from me.

Q. When the light was first put out, was it first lit by some one at the gas fixture?—A. It was lit by one of the boys, but the gas had to be turned on again. He said "Some damn son of a bitch turned it off." I told him that he did it, but he denied it; but he went into the house and made some threats. I was paying particular attention to him anyhow.

Q. He claimed that he did not turn it off?—A. He did.

Redirect examination by E. W. M. MACKEY, contestant:

Q. You said Mr. Lacoste made some threats. What were those threats that he made?—A. When those gentlemen came in, and I was speaking about these gentlemen coming in to Mr. Taylor, he said "You have been blowing all day, and I will see you to-night." I told him that if he wanted to see me, he could see me now.

Q. You were asked in regard to the riot the day after the election of '76. Now will you state whether, when you came down, you found a number of rifle clubs assembled near the guard house?—A. Yes, sir; found four or five companies. So much so, we could not get in the guard house.

Q. Were they armed?—A. Yes, sir.

Q. With what?—A. With rifles.

Recross-examination by M. P. O'CONNOR, contestee:

Q. Were they not under the command of General Hunt, the United States commanding officer?—A. I could not tell you that.

Q. Was not General Hunt's headquarters in the guard house?—A. I could not tell you, for when we got to the guard house we could not get into the guard house, and Captain Hendricks told Lieutenant Cassidy to put us right before the guard house.

JAMES ROBINSON.

Sworn to and subscribed before me this 28th day of Nov., A. D. 1879.

E. H. HOGARTH,
Notary Public, So. Ca.

Deposition of Henry Norris.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

HENRY NORRIS, a witness of legal age, produced by contestant in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your age?—Answer. I am 44.

Q. Where do you reside?—A. No. 6 Clifford street, in the city of Charleston.

Q. At what poll were you on the day of the last general election?—Ward 6, at the Washington engine-house.

Q. Were you there all day?—A. Yes, sir.

Q. In what capacity?—A. As a deputy United States marshal.

Q. Were you there at the close of the poll, when the box disappeared?—A. Yes, sir.

Q. Is there any truth in the insinuation made by one of the witnesses that you put out one of the gas-lights?—A. I did not put out any light.

Q. Were you standing directly under one of the gas-lights?—A. The gas-light was directly above me. I was standing by the table where the managers were counting.

Q. Did you, at any time during that evening, put out any of the gas-lights?—A. No, sir; I never put out any at all.

Q. When the gas-lights were put out and the box disappeared, how many Republicans, besides yourself, were present?—A. There were three.

Q. Give their names.—A. James Robinson, Walter Elfe, the supervisor, and Jack Nott; he was also a United States deputy marshal.

Q. How many Democrats were in that room?—A. I think there were about 30 or 40.

Q. When the light was put out the last time did you leave or remain there?—A. I remained there until the candles were put out.

Q. After they were relit the last time did you still remain there?—A. I was not there after the ballot-box was knocked over. I did not stay.

(Objected to by contestee as not in reply, inasmuch as contestant attacked this poll in his evidence in chief, charging upon the Democrats the destruction of the ballot-box, and all testimony in rebuttal offered by contestee to this charge was regular, and not new matter, and the contestant has not the right to reply to the testimony, but such evidence as been delivered by this witness.)

In reply, contestant states that it was utterly impossible for him to know before the witnesses for contestee testified that any one of them would insinuate that this witness had put out the lights at the Washington engine-house, and therefore he contends that this evidence is strict for the purpose of rebutting the testimony adduced by one of the contestee's witnesses, who made certain statements in regard to this particular witness which were never heard of by contestant until contestee's witness had so testified.)

Cross-examination by M. P. O'CONNOR, contestant:

- Q. Have you ever testified before in this case?—A. No, sir.
- Q. To what race do you belong?—A. I belong to the colored race.
- Q. Who recommended you for deputy United States marshal?—A. I think Mr. Smith did.
- Q. The gentleman that just testified a moment ago in this cause?—I don't know whether he did or not.
- Q. Were you in here when he testified?—A. No, sir.
- Q. Was it Mr. C. Smith?—A. Yes, sir.
- Q. You are a member of the Republican party?—A. Yes, sir.
- Q. Voted for Mr. Mackey for Congress?—A. Yes, sir.
- Q. Can you name those thirty persons who were Democrats in the room that night?—A. No, sir; the most of them said to the doorkeeper that they were firemen and had a right in there; just after dark they came in.
- Q. You cannot name one of them?—A. No, sir; there is one whom I think is the hall-keeper, Mr. Lacoste.
- Q. You don't know his first name?—A. I do not.
- Q. Did you count them?—A. No, sir; I did not count them.
- Q. You just arrived at that conclusion from your observation?—Yes, sir.
- Q. Have you ever held an office under the Republican party?—No, sir.
- Q. How many deputy United States marshals were at this poll?—Three; two more besides myself.
- Q. Were they Republicans?—A. Yes, sir. I don't know how many Democrats were there; we were the only three Republicans.
- Q. Were they in the hall with you?—A. Yes, sir.
- Q. Were they there when the light was put out?—A. I think they were all there when the light was put out.

Deposition of W. E. Elliott.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor

STATE OF SOUTH CAROLINA,
Charleston County:

WILLIAM E. ELLIOTT, a witness of legal age, produced by contestee in rebuttal upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. What is your age?—Answer. I am forty-four.

Q. Where do you reside ?—A. No. 22 Wall st., city of Charleston.

Q. Were you at any time on the fifth of last November—the day of the general election—at the Market Hall poll, ward 3, of this city ?—A. I was not there at all during the day. I was off-shore. I voted in the morning at six o'clock and then went off-shore.

Q. At what poll did you vote ?—A. At the Palmetto engine-house.

Q. What time in the day did you return ashore ?—A. It was a quarter to four in the afternoon when I got in.

Q. When you landed, where did you go ?—A. After taking up the sheeting to Mr. Terry, I went home and changed my clothes and did not come out until a quarter after five.

Q. Where did you then go ?—A. I went to the Palmetto engine-house, as I heard that John Freeman had had some difficulty there.

Q. What time was it when you got to the Palmetto engine-house ?—A. A little after quarter past five?

Q. When you got there did you see John M. Freeman, the United States supervisor, there ?—A. I did.

Q. After you left the Palmetto engine-house did you go to the Market Hall poll ?—A. I did not.

Q. Is it true that you were at the Market Hall poll about two or three o'clock creating a disturbance ?—A. I was not in city. I did not come ashore until quarter of four, and then I went home and did not come out until quarter past five.

Q. Were you at the Market Hall at all during that day ?—A. I was not there at any time during the day.

Q. Were you not the first man who voted at the Palmetto engine-house ?—A. Yes, sir; I was.

Q. Are you a member of any colored organizations or societies ?—A. Yes, of some three or four. I am president of one and an officer in another.

Q. Name some of the organizations of which you are a member.—A. I belong to the Attucks Light Infantry, a military organization, the Union Star Fire Engine Company, and two or three charitable societies.

Q. Have you ever known, either in the military or fire company of which you are a member, or in any of the charitable societies to which you belong, of a member being expelled or censured for having voted the Democratic ticket ?—A. No, sir. In the Attucks Light Infantry there is a Democrat named Chappell.

Q. Is he treated any differently from the other members ?—A. No, sir.

Q. Is it true that a colored man cannot vote the Democratic ticket in Charleston City without the fear of being ostracized by the other colored men ?—A. Not at all.

Q. Are you a member of any colored church in the city of Charleston ?—A. Yes sir, Plymouth Church.

Q. Have you ever heard politics preached in that church ?—A. Never.

Q. Would it be permitted by the congregation ?—A. I believe not.

Q. To what political party do the colored people generally belong ?—A. To the Republican party.

Q. About what proportion of the colored people are Democrats ?—A. There are very few Democrats among the colored men. You find a few here and there, and that is the reason we are so astonished when we hear of a colored man being a Democrat.

Q. So far as you know, is it true that most of light colored people and old free colored people belong to the Democratic party or vote with that party ?—A. No, sir; a majority of them are Republicans.

Q. Do you know any number of them ?—A. Yes, sir; plenty of them.

Q. Are these, you know Republicans or Democrats?—A. Republicans.

Q. Is there any truth in the statement that one-half of the colored people of the city of Charleston are Democrats?—A. No, sir; there is nothing of the kind like that.

(Contestee objects to the evidence of this witness upon the ground that it is not in reply to new matter brought out by the contestee, in so far as it concerns ostracism or disturbance at poll affecting them with fraud, and should have been introduced by the contestant in his direct evidence to prove his case if introduced at all.

In reply contestant states that this witness is produced to rebut certain statements made in regard to the witness by T. L. Quackenbush, one of contestee's witnesses, and until these statements were made it was utterly impossible to rebut them. So much of the testimony of this witness as relates to ostracism, &c., contestant claims is in rebuttal of testimony produced by contestee upon that point.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. You say you are a member of various colored organizations?—A. I am.

Q. Now, do you not know that no Democrats are allowed in them?—A. I do know that there are Democrats allowed in them, because we have one or two Democrats in our military company. One of them, Chaplin, calls himself nothing else. He was chairman of the committee of arrangements of the last picnic we gave. He was appointed chairman of the committee by Capt. Brodie, who is a Republican. I was on the committee with him myself.

Q. Do you think, then, that it is common for Democrats to be members of colored organizations?—A. I will say this, if a colored man is known as a Democrat he might have some trouble in joining, but those that are in there already are never disturbed. I am president of the Attucks boat-club, which has eighty members, and there are some Democrats among them, and they are treated just as well as any of the other members.

Q. So you think that within your own observation there are quite a number of Democrats who are members of most of the colored organizations?—A. That I don't know. I regard very few colored men in the city as Democrats. Out of the five or six thousand colored voters here there might be a few who are bought to vote the Democratic ticket, but I don't think you will find a hundred colored Democrats in the whole city.

Q. Could not a very large number of colored people be bought?—A. Not in a general election, because they generally vote in a mass—in a solid body.

Q. You say those who are Democrats might have some difficulty in getting into colored associations?—A. Yes, sir; if they are known.

Q. Do you imply by that that there are Democrats that are not known to some of the colored men?—A. Yes, sir; more or less they are known by the colored Republicans, but some are not known.

Q. What reasons have any who have voted the Democratic ticket for concealing that fact?—A. That I don't know.

Q. Are not such social privileges as joining these organizations, &c., considered of very high importance among the colored people?—A. really cannot say. There are several colored men in the city of Charleston holding positions in the masonic lodges who vote the Democratic ticket, and nobody meddles with them. Some men are more afraid of their wives than they are of anybody else.

- . The women are more violent than the men?—A. If their husbands are such as can be controlled.
- . Do you know if there is any such thing as the women declining comforts of bed and board to their husbands who have voted the Democratic ticket?—A. No, sir; that I never heard of.
- . Have you never heard of it?—A. No, sir.
- . You say you know a number of members of lodges, &c., who are Democrats?—A. There are several of some influence and standing in lodges.
- . They are men of high standing and some prominence among their lodges?—A. Yes, sir, they are.
- . If that is the case can they not influence a good many voters?—A. I don't think so, for this reason: In the lodges they say they don't talk politics; politics are not allowed in there.
- . Are not your observations as to the proportionate number of colored people who are Democrats as compared with those who are Republicans only general; you would not undertake to say how many colored Democrats there may be in the city?—A. I wouldn't say positively how many colored men in the city are Democrats; but I don't believe there are more than one hundred colored men in the city who are Democrats.
- . You mean steady and reliable men?—A. Yes, sir. If you gave a man ten dollars to vote the Democratic ticket you wouldn't call him a Democrat.
- . You think, then, that some of the voters were bought to vote that ticket?—A. On some occasions undoubtedly some may be bought. I saw a man bought up in the Hampton election of 1876, but in this election he voted more solidly than ever.
- . These fellows who sell their votes are not going to let any one know it?—A. They won't let you know, of course, but you can see from the men they come up with that they are sold. When a Republican comes to give a man a ballot and he says "Go away, I got my vote already," we are then satisfied that man has sold his vote. That is the way we generally judge.
- . When a man declines to take a ticket from a Republican rallyer, what are the means you have of judging that he votes the Democratic ticket?—A. I have seen men come up with a Democrat, he walking ahead of them, they coming behind, and when we go to give them a ticket they tell us.
- . Now, do you not know that a great many might either have already obtained a Republican ticket from a Republican rallyer or that they might obtain a Democratic ticket, whichever they choose to vote, without saying anything, and in such a manner that it would not be observed which ticket they voted?—A. No, sir; they couldn't do it handily, because in any of the Republican rallies give a man a ticket they follow him to the box and see him put it in. The two tickets being always present, you can easily tell what ticket a man votes.
- . You find it necessary to follow them up to the box to see what ticket they put in to avoid trickery?—A. Sometimes when you see them come up with white men they fool the white men that they are going to vote with them; but we get between and give them a Republican ticket, and they put that in. That is often done.
- . Have you not seen long lines of colored men waiting to vote who could easily be bribed by Democrats, and of whom you couldn't say how they voted?—A. No, sir.
- . You have not?—A. No, sir.
- . You have seen very long lines of men standing to vote?—A. Yes,

sir; I have. I have seen them in an election take Democratic tickets from Democrats in the first ward and then vote a Republican ticket, and by their sharpness get the Democratic dollar and put in the Republican ticket. They will fool you Democrats quicker in the line than anywhere else.

Q. What induced you to go down to the Palmetto engine-house when you heard Freeman was in trouble?—A. Just as I came ashore I heard it.

Q. Was Freeman's trouble the cause of your going down there?—A. Yes, sir; as a friend I went down there to see how much he was hurt.

Q. Is Freeman a special friend of yours?—A. Yes, sir; a very good friend of mine.

Q. Is he not a colored attorney?—A. He is.

Q. Has he not testified very strongly and very bitterly against the Democratic managers of election at the Palmetto engine-house in the cases tried in the United States court?—A. That I cannot tell you. I never heard about it.

Q. Have you not heard of it?—A. No, sir.

Q. Have you ever held office under the Republican party?—A. Yes, sir.

Q. What office have you held?—A. Boatman in the custom-house.

Q. Under whom did you hold your appointment?—A. Under Mr. Worthington.

Q. Who recommended you for appointment?—A. Where?

Q. To that position of boatman?—A. Mr. Bowen.

Q. How long did you hold that office?—A. For one year and two months.

Q. You held it as long as you wanted it?—A. No, sir; I would like to have been there now.

Q. Who put you out?—A. The collector; because I did not vote for Chamberlain; that was the reason I was put out.

Q. Did Mr. Mackay join in your recommendation?—A. Not as I know of.

Q. Have you held any other office in the Republican party?—A. Yes, sir.

Q. What?—A. City detective.

Q. How late have you been a city detective?—A. Under Mr. Cunningham's administration.

Q. Did not the city detectives have a very bad reputation then?—A. I don't know that they had.

Q. Have you held any other office than these mentioned?—A. Yes, sir.

Q. What office?—A. A member of the legislature.

Q. Have any charges ever been made against you after you became a member of the legislature?—A. No, sir; no charges.

Q. During what years were you a member of the legislature?—A. 1870 and '71.

Q. You were a member when Scott was governor?—A. Yes, sir.

Q. Was that a Republican legislature?—A. It was.

Q. These were the years of what is known as "radical rule"?—A. Yes, sir.

Q. Were you a member of any committees of the legislature?—A. 1 was.

Q. Of what committees?—A. Roads, bridges, and ferries; charitable institutions, and several others. I think I was on four committees.

Q. Who were your associates in that legislature?—A. I was friend to all the men.

Q. Have not the newspapers of this State and the press of the country

try generally resounded with charges of corruption in the legislature at that time?—A. So they did.

Q. Have you held any other office?—A. I have not.

Q. Has Freeman ever held any office as a Republican?—A. I believe he was a member of the legislature. He was elected in the Green movement with Mr. Barnwell and other Democrats.

Q. Were you present at the time of that disturbance at the Palmetto engine-house?—A. No, sir; I had not got in yet.

Q. You heard of it after you came ashore?—A. Yes, sir.

Q. Was Freeman much hurt when you saw him?—A. One side of his face was swollen.

Q. Is that all you saw?—A. I couldn't get inside.

Q. But you could see him?—A. Yes, sir; he was by the ballot-box.

Q. Where did you go after you left the Palmetto engine-house?—A. I went to the corner of Hasell and Anson st., to the second house from the engine-house.

Q. How long did you remain there?—A. In that house?

Q. Yes.—A. Until about ten or eleven o'clock that night.

Q. So that any statements that have been made that you created a disturbance at the Market Hall are evidently a mistake?—A. Yes, sir.

Q. Do you know Mr. Quackenbush?—A. Yes, sir; I worked with him on the streets, and when I heard of what he said about me, I went to him and asked him about it. He said he didn't swear so. He said he said he thought so.

Q. Were you a member of the Republican convention of 1878 which met in State street?—A. Yes, sir.

Q. In that convention did not the feeling run very high between the supporters of the two candidates for Congress?—A. Before the nomination was made.

Q. Until the nomination was made?—A. Yes, sir.

Q. Was there not a very bitter and heated wrangle?—A. Every man made a desperate struggle to get his man nominated, but all said to me, "If your man is nominated we will support him, and if our man is nominated you must support him."

Q. Each man made a desperate fight for his own candidate?—A. His own candidate—yes, sir.

Q. Although the convention pledged itself as a whole to support the nominee, is it not a well-known fact that the members of the defeated faction were very much dissatisfied, and expressed themselves so, at the nominations made?—A. No, sir; they were not. You might have said that if Mr. Taft had been nominated. Some of Mr. Mackey's friends said if he was not nominated they would support Mr. O'Connor. I said myself if Mr. Taft was nominated I would support Mr. O'Connor, but we said this simply to bulldoze Taft's friends; but when Mr. Mackey was nominated, we all worked together to beat Mr. O'Connor.

Q. Who did you support?—A. Col. Mackey.

Q. And you say that you and the other supporters of Mr. Mackey told the supporters of Mr. Taft that if he was nominated you would not support him—Taft?—A. We did, before the convention.

Q. Well, did they not retort in the same manner?—A. No, sir; they didn't. They said to us: "It is strange for you to say so, because if Col. Mackey is nominated we intend to support him." When we said we would support Mr. O'Connor if Taft was nominated, we just did so to bulldoze Taft's friends.

Q. Did you know who Mr. Bowen was supporting?—A. He was supporting Mr. Taft for the nomination.

Q. He warmly supported Mr. Taft for the nomination?—A. Yes, sir; he did.

In reply by E. W. M. MACKEY, contestant:

Q. Is it not a well-known fact that the few respectable colored men who call themselves Democrats generally keep aloof from active politics?—A. They do.

Q. Did they not do so particularly at the last election?—A. Yes, sir.

Q. Did such colored Democrats as William Ingliss and Stephney Riley have anything to do with the last election?—A. No, sir; they did not.

Q. Is it true that all Bowen's friends supported Mr. Taft for the nomination for Congress?—A. No, sir; they did not.

Q. Do you know any of Mr. Bowen's prominent friends who supported Mr. Mackey for the nomination?—A. Yes, sir; W. H. Thompson, J. J. Lesesne, Benj. Mills, Thos. Aiken, John Vanderpool, myself, and others.

Q. Is it true that Bowen's friends were dissatisfied because of the nomination of Mr. Mackey?—A. No, sir; they all said if Mr. Mackey was nominated they would support him.

W. E. ELLIOTT.

Sworn to and subscribed before me this 28th day of Nov., A. D. 18~~7~~⁹.

E. H. HOGARTH,
Notary Public, So. Ca-

Deposition of John H. Ostendorff.

In the matter of the contest of E. W. M. Mackey against M. P. O'Conn~~el~~^{el}.

STATE OF SOUTH CAROLINA,
Charleston County:

JOHN H. OSTENDORFF, a witness of legal age, produced by contester, in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. State your age, residence, and occupation.—Answer. I am 38 years of age; reside 31 Wentworth street, city of Charleston; and I am the clerk of the court of common pleas and general sessions for Charleston County.

Q. Is it true that all of the friends of Mr. C. C. Bowen supported General W. N. Taft for the Republican nomination for Congress?—I can mention some of the staunch and warm friends of Mr. Bowen that did not.

Q. Name some of them.—A. W. H. Thompson, Cyrus B. Gaillard, Thomas Aiken, and myself.

Q. Those were prominent friends of Mr. Bowen?—A. Those were the right-hand bowers of Mr. Bowen when I went into the Republican party in 1872.

Q. All of those prominent friends of Mr. Bowen supported Mr. Mackey for the nomination?—A. Yes.

Q. Is it true that after the nomination of Mr. Mackey the friends of Mr. Bowen and Gen'l Taft were dissatisfied and failed to support the nominee?—A. No, sir; I don't think that any member of the Republican party relaxed his energy at all in advocating the ticket nominated by that convention. I was not a member of the convention that nominated that ticket, having declined the nomination as a delegate from any of the parishes or from the city. Through courtesy, and to my sur-

prise, when I appeared in the convention to call the roll as secretary of the executive committee of the county, I was unanimously elected the secretary of that convention, and remained in my seat as secretary during the entire convention.

Q. So you witnessed all of its proceedings?—A. Yes.

Q. Was there any dissatisfaction about the ticket nominated by the convention?—A. A number of delegates did not like the putting of five Democrats on the ticket for the legislature, and it was a very hard matter to reconcile it to their feelings. The dissatisfaction was confined to the putting of Democrats on the ticket.

Q. Was the Republican party as united in the election of 1878 as it had been in that of 1876?—A. Well, I think they were even more united, because in 1876 there had been some difference of feeling principally created through myself, because I was the weakest candidate on the Republican ticket, and my opponent was the strongest candidate on the Democratic ticket. A good many of Mr. Mackey's friends felt sore in that election because I beat out his candidate in the nomination. Still, I was elected by a very large majority.

Q. Then, in your opinion, the Republicans were more united in 1878 than in 1876?—A. That is my firm belief.

Q. What kind of canvass was made by the Republicans in 1878?—A. I would call it a very active campaign. I saw the meetings all well attended.

Q. Is it true that the Republican party were less interested and less active in the last election and in the campaign preceding it than in former elections?—A. Not by any means. I can say this, I never saw a more active campaign and the Republicans more united since I have been in the Republican party. I was not in the city of Charleston on the day of the election.

Q. Was the canvass of the Democrats as active as it was in 1876?—A. It was not, from the fact that in 1876 we very often divided time with them, and there was none of that kind of business in the last campaign; not to my knowledge.

Q. Were you in the city of Charleston on the day that was styled "Hampton's day" in the last campaign?—A. I was.

Q. What was that date?—A. I have got a little memorandum of it. I think it was the 21st of October, 1878, preceding the election.

Q. Did you observe that procession?—A. I did.

Q. Did you also see the Democratic procession in 1876?—A. I did.

Q. Was the procession of 1878 as large as 1876?—A. In 1876 I was deputy sheriff under appointment of C. C. Bowen, sheriff of this county. I was standing at the corner of Broad and Meeting streets, and witnessed the procession of 1876. In 1878 I was in my office on the second story of the court-house on the northeast corner of the room, and witnessed the procession from that window. I have a view from my office as far as Queen street. I felt an interest in that procession to see the demonstration, and I wanted to satisfy myself whether there had been much of a change of sentiment amongst the colored people, and I took particular pains to take in detail the number of people who participated in the entire procession. I have got the result of it before me.

Q. Is that an original memorandum?—A. You can see it. I made the memorandum at the time on a Republican ticket of 1874.

Q. Refer to that memorandum and give the particulars in regard to that procession.—A. First came 125 whites and 10 colored pedestrians in red shirts; then 35 whites and 3 colored in wagons; then on drays 52 whites and 6 colored; then after these came the ward clubs with ban-

ners designating the different wards. Ward 1, whites 39, colored ward 2, whites 79, colored 2; ward 3, whites 103, colored 1; war 4, whites 185, colored 28. That was the Haynes Colored Democrat Club. Ward 5, whites 22, colored 6; ward 6, whites 30, colored none; ward 7, whites 18, colored 5; ward 8, whites 20, colored After the ward clubs came the equestrians. Of these, there were c horseback 259 whites, 23 colored, those 23 colored being principal from Christ Church Parish. The artillery followed with 50 whites, ar then there was 7 carriages, containing 28 whites and 7 colored, those being the drivers, and 5 buggies containing 10 whites; making in a 1,154 whites and 106 colored men, and two colored bands of music the procession, which I did not count.

Q. What did you say was the total number of colored men in the pr cession?—A. One hundred and six. I would like to state that t count made by me can be verified by a clerk in my office, T. G. Byrne and also by Mr. David H. Buttz. They were present and viewed t procession from the same window with myself.

Q. Do you know of any other person who also made a count of t procession?—A. Well, after the procession passed, the reporter of t Missionary Record came up into my office, and asked me if I had kej an account of the procession. Upon comparing notes we differed ju one person; he had put one colored man less than I had in the proce sion.

Q. Do you know Mr. C. W. Montgomery who was one of the commis sioners of the last election?—A. I do; I am well acquainted with him

Q. Did you see him in that procession?—A. I did.

Q. Has Col. C. W. Montgomery, to your knowledge, acted with t Republican party within the last four or five years?—A. He has not; v scarcely heard from him after he was no longer president pro tem. of t senate; he was senator from Newberry County.

Q. Did anything transpire within your knowledge previous to t election which made you in any way apprehensive that frauds were be committed on the day of election?—A. My mind was not at eas after a certain remark made by General Seigling in the office of Sheri Bowen, about a week or ten days before the election.

Q. What were those remarks?—A. General Seigling remarked to M Bowen, "Have you any idea that the Republicans will carry the coun with the machinery in our hands? I can tell you now we will carry th county by over five thousand majority." Mr. Bowen's reply was, "don't see how you can possibly do that when you are not certain of ge ting the votes."

Q. What had been the political complexion of Charleston County pr vious to the election?—A. As I remarked before, in 1876 I was t weakest man on the Republican ticket, and was opposed by the stron est man on the Democratic ticket, and I was elected by a majority over fifty-seven hundred.

Q. Where were you on the day of election?—A. I hardly know ho to describe the place. A very remote part of John's Island.

Q. What poll?—A. At what is called Andell's store; it is about t farthest corner of John's Island.

Q. Is that a Democratic or Republican precinct?—A. It gives a ve large Republican majority.

Q. Has it not always given a large Republican majority?—A. A ways. I don't believe there are more than fifty or sixty Democra voters on the whole island. I think there were a little over fifty poll there that day.

Q. What hour in the morning did you arrive at that poll?—A. I arrived there about half-past five in the morning.

Q. Did you have to exert yourself in any way to have the poll opened?—A. I did.

Q. State the circumstances under which that poll was opened?—A. The time fixed by law for the poll to open was six o'clock. At a quarter before seven, seeing no ballot-box arrive, I inquired of one of the managers where it was, and he informed me that he did not know where the box was, but that it might possibly be up to one of the other managers who had not yet made his appearance. I procured the services of a cart and drove up about two miles and found the ballot-box at the place designated, and one of the managers also. I brought the ballot-box down to the poll in the same cart, and about a quarter before eight o'clock the poll was opened.

Q. From what occurred there did it appear to you that they were indifferent as to whether the poll was opened or not?—A. They were very indifferent. They did not appear to care whether they had the poll opened or not.

Q. Do you think that poll would have been opened but for your exertions?—A. It might be egotism on my part to say so, but I can say so very candidly. Appearances didn't tend to show that the managers appointed for that poll had any idea of opening it. It is in a remote part of Charleston County. I call it the most outlandish place on the island. I was very grieved and mortified because old men had to walk over twenty miles to reach the poll, but they came there. I am very familiar with the island.

Q. Was that the only poll on that island?—A. That was the only one.

Q. How many polls had formerly been on that island?—A. Formerly there was one at Rushland, one at Campbell's Church, and one at Andell's Store; three altogether.

Q. Had the other two been abolished?—A. Yes.

Q. Is there anything else you know in regard to the last election about which you can testify?—A. I don't know that I can testify about it, but during the middle of the day a messenger came to me from Wadmalaw Island, and requested me to send some tickets over there, and I gave him the tickets.

(Contestee objects to the introduction of the evidence of this witness at this stage of the proceedings, upon the ground that it is not in reply to new matter developed by the contestee in his answer, and should have been introduced when the contestant made his case.)

Cross-examination by M. P. O'CONNOR, contestee:

Q. Are you a native of Charleston?—A. I am.

Q. When did you join the Republican party?—A. I joined the Republican party in 1872.

Q. What were you prior to 1872?—A. Up to what time?

Q. Any time prior to 1872?—A. I supported Genl. Wagner at his first election, as mayor of this city.

Q. He was the first man you voted for?—A. I don't believe I paid any attention to anything until that time.

Q. Were your parents Democrats?—A. I don't know what my father was. He died when I was fourteen years old. At his time there was no Democratic or Republican party in the State. The Republican party was organized in 1868. My father died in 1858.

Q. Had you arrived of age before 1872?—A. I had.

Q. With what political party did you affiliate in 1872?—A. I had nothing to do with elections until Wagener was elected.

Q. The first time you voted was for Wagener, a Democrat?—A. Yes; I think he was; he was elected by 777 majority.

Q. You voted for Wagener as a Democratic mayor?—A. Yes, against Pillsbury.

Q. In 1872, when you joined the Republican party, what position did you hold under the Republicans?—A. None whatever; I was then merchandising.

Q. When did you first hold a Republican office?—A. In 1872.

Q. What office did you first hold in 1872?—A. I was appointed deputy sheriff by C. C. Bowen, then sheriff of this county.

Q. From that time to the present you have affiliated and acted with the Republican party?—A. Excepting in the canvass of 1875; then I supported a Democratic mayor as against the Republican mayor, Mr. Cunningham.

Q. Since 1872 up to the present time have you not held office under the Republican party either in a subordinate capacity or as an officer?—A. I have.

Q. What office do you hold now?—A. I am clerk of the court of common pleas and general sessions.

Q. When were you elected clerk?—A. I was elected by the Republicans in 1876, and, as I said before, by a majority of over fifty-seven hundred.

Q. Have you not been an active partisan in the Republican party since 1872, when you first joined that party?—A. I don't think any more than any other Republican.

Q. Have you not been recognized and identified by the Charleston community as a pronounced partisan Republican?—A. I believe that they all regard me as a strong Republican.

Q. Have you not been just as broadly identified by this community as being a partisan Republican as Mr. E. W. M. Mackey has?—A. I don't consider myself a leader.

Q. Not to the same extent, but have you not been as pronounced, in the estimation of the community?—A. I don't think they make much difference between Mr. Bowen, Mr. Mackey, and myself; but Mr. Bowen and Mr. Mackey are certainly the recognized leaders of the Republican party, and of course I have not attained that position yet.

Q. Though you are pronounced by the community to be as active a partisan in the Republican party as Mr. Bowen or Mr. Mackey, yet you are not a leader as they are?—A. Yes; I am not a partisan, but I believe in doing justice to all.

Q. I mean you are an active worker?—A. You may put it down in that way. I consider myself an active working Republican, but I don't know that I am any bitter partisan.

Q. Did you take an active part in the election of 1876?—A. I did, a very active part. I was out in the canvass all the time.

Q. Did you take an active part in the election of 1875, the municipal election?—A. Well, I did.

Q. Did you take an active part in the election of 1874?—A. I did.

Q. What year was it that the commissioners of election appointed by the Republican party promulgated on the morning of the election the polling precincts?—A. I think that was in 1873.

Q. That was the municipal election?—A. Yes, it was when Cunningham first ran against General Wagener, in 1873.

Republican party had control at that time of the State government?—A. In 1873?

—A. They did.

they had the commissioners of election and the government under their control in that election, did they not?—A. Un-

they did not promulgate the polling precincts or give the agers—I mean publish them in the papers—until the morning of the election?—A. I think I saw it published the day before.

there not a precinct unknown and not advertised, which was the morning of the election, up at what is called Chinquepin?—A. I think it was known.

you one of the managers?—A. Yes.

is Chinquepin street?—A. I think it was in Moultrie street.

re is it?—A. It is on the public road.

nd the corporate limits of the city?—A. It is on the thoroughfare leading to all the principal works of the city—phosphate

many feet or yards from the city boundary?—A. I think it is half-way between the lower and upper part of the ward.

I you approximate it in yards?—A. No, I could not.

ity boundary is by the forks of the road?—A. Yes, and ward es there.

far from there?—A. It is about half-way between Spring and the forks of the road; very nearly about half-way, I think.

you chairman of the managers at that poll?—A. I acted as

many cross streets are there beyond Spring street, before you come to the corporate limits of the city of Charleston?—A. Columbus and Shepherd. Then comes what is called Chinquepin street, and comes what is called Moultrie street.

ot the whole of Columbus street, excepting that portion between Meeting and King streets, comprised in ward 7?—A. The Columbus street is in ward 7. King street is the dividing line between.

not Line street, you may say, bound the populous limits of the city of Charleston?—A. Oh, no; there is Sires street, and there are a few residences in that street.

ing parallel with Spring?—A. Yes, excepting Shepherd.

nd Shepherd is not the population very scant on all the other streets parallel with Line beyond Shepherd?—A. Beyond Shepherd is so densely populated as below it.

not very thinly populated?—A. Some portions of it.

you cross Shepherd street beyond is not that portion described as truck-farms?—A. Yes; it is.

many votes did you take in at that poll, Moultrie street?—A. I recollect.

there 1,000 votes polled there?—A. I don't think so; there being like five or six hundred.

you are positive there was no advertisement made of that election?—A. If it was made then; I am not positive.

you say whether it was advertised then or not at all?—A. I positively.

does your term of office expire?—A. Well, I was elected on

the 7th of November, 1876; my commission is dated December 7th, 1876, but I did not get possession of my office until February 12th, 1877.

Q. How long were you elected for?—A. I was elected to hold my office for four years.

Q. So that your term of office will expire some time in the year 1880?—A. If it expires in 1880 I will not hold it four years. It is a question of law whether from the time of my election or from that of my installation.

Q. There is an election every four years for the office of which you are the incumbent?—A. Yes.

Q. And a quaternial election for that office will fall in 1880?—A. 1880.

Q. Did you take an active part in the election of 1878?—A. Well, I did. I was acting as secretary of the county committee, and attended to all of the correspondence of the Republican party.

Q. In 1878 you were secretary of the Republican county committee?—A. Yes.

Q. Of which Mr. Bowen is chairman?—A. Of which he is chairman.

Q. Did you attend the meeting on the Battery on what was called "Hampton's day"?—A. I did not.

Q. You simply saw the procession as it filed by the court-house?—A. Yes.

Q. What induced you to enumerate the number in the procession?—A. I was led from a sort of inquisitiveness to see whether the sentiment of the colored people had been changed in any way. I thought the best test was to see what number took part in the procession.

Q. But you did not see the meeting on the Battery?—A. I did not.

Q. On the day of the election you were out of the city?—A. I was out of the city.

Q. And you don't know what transpired in the city at all?—A. Nothing at all.

Q. Messrs. Simons and Seigling had been the attorneys of Mr. Bowen at one time?—A. They had.

Q. And they were on friendly terms?—A. Of course. They had been his attorneys for two or three years. I think they were his attorneys from 1872 to 1875.

Q. And Mr. Seigling and himself were on friendly terms?—A. Yes, they were.

Q. Were you one of the managers at Andell's store?—A. No, sir.

Q. Were you one of the supervisors?—A. No, sir.

Q. What position did you hold there?—A. I simply went down there to represent the Republican party; that is, to see, as far as in my power lay, that fairness was done all around.

Q. That poll gave a very large Republican majority, did it not?—A. Yes. I went down principally to take down with me those posters which Col. Mackey had had printed, warning the Republicans to look out for those tissue ballots.

Q. Did you keep a run of the meetings that were held by the Democrats throughout the county in 1878?—A. I did not; but whenever there was a Democratic meeting to be held, they would report to me—our leading men in the country.

Q. Was there not a joint discussion at Strawberry Ferry?—A. I think there was one. I think that was the only joint discussion in the canvass, if I mistake not.

Q. Did not a conference take place in 1876 between Mr. Simonton and Mr. Bowen in regard to joint discussions?—A. Yes.

Q. And did not Mr. Simonton write him a letter after the Cain Hoy riot that no further joint discussions would be held?—A. I don't know.

Q. Don't you know that after that no more joint discussions took place?—A. It did not.

Q. Don't you know that that correspondence was to terminate joint discussions?—A. I did not read it.

Q. They did not come into your hands as secretary?—A. They did not.

Q. Was there not great uncertainty about the unity of the Republican party in that campaign, owing to the rivalry of Mr. Taft and Mr. Mackey or the nomination—I am now speaking of prior to the nomination?—A. I don't think there was any.

Q. Did you not hear expressions to that effect, that would impair the unity of the party, either from one side or the other?—A. Before the nomination I heard very loud sentiments expressed against Mr. Taft. I must admit I heard a number say "if Mr. Mackey was not nominated they would certainly vote for Mr. O'Connor." I am satisfied about that; there is no doubt about that. I would beg to say that what engendered that feeling was principally that it was their desire to have Mr. Taft retain his seat as senator; they said they had a Republican in the Senate, and they proposed to keep him there as long as he was elected; this threat was made by the supporters of Mr. Mackey; there was Ben Smalls, who is now acting with the Courtenay party; he is about the widest-mouth man in the Republican party; he made a great deal of noise in the convention; he was for Col. Mackey tooth and toe nail; so Ben Smalls, who is also another supporter of Mr. Courtenay now.

Q. Was not Mr. Taft supported for the nomination by many of the prominent leaders of the party?—A. He was supported by Mr. Bowen and his influence among the people.

Q. Not his followers?—A. Not as men.

Q. Mr. Bowen has a large influence in his party?—A. Yes.

Q. His influence is principally in the country?—A. He has a larger influence in the country than in the city; I think Col. Mackey's influence in the city is much greater than Mr. Bowen's.

In reply, by E. W. M. MACKEY, contestant:

Q. You have been examined at considerable length in regard to a poll established in ward 8 during the election of 1873; now was not that poll situated in about the centre of ward 8?—A. As I said before, I thought it was about midway between the northern and eastern boundary of the ward; I think it is about the centre, taking the distance from King street to the river; I think Rutledge street is about the dividing line.

Q. Were there not a number of phosphate works in that vicinity?—A. Just in the vicinity, no; just beyond the city limits.

Q. Did not the men that worked in those phosphate works have to pass by that poll, or near by that poll?—A. They had to go right by it.

Q. Under the circumstances do you consider that five or six hundred votes was a large vote for that poll?—A. I don't think so, as I understand it was opened for their especial accommodation.

Q. In that election of 1873, when that poll was established, was not Col. Mackey a candidate on the Republican ticket for alderman?—A. He was.

Q. Was not his opponent on the Democratic ticket Mr. W. B. Smith?—A. He was.

Q. Did not Mr. W. B. Smith receive a large majority at that poll?—A. He received a large majority over Col. Mackey.

Q. When you went to John's Island on the last election, were warned beforehand that the Republicans seriously apprehended to the large Republican vote in that locality, that the poll would opened !—A. I was.

Q. Was that not one of the special reasons that you were re-
to go down there for ?—A. So much so that I loaned an extra ba-
to Mr. B. F. Smalls, the United States supervisor, and he took
with him.

Q. You did that from fear that the managers would not appear
That they would not open the box.

(All the questions in reply objected to as not in reply by cont-
JNO. H. OSTENDO

Sworn to and subscribed before me this 28th day of Nov., A.]

E. H. HOGARTH
Notary Public, S

Deposition of J. W. Polite.

In the matter of the contest of E. W. M. Mackey against M. P. O'

STATE OF SOUTH CAROLINA,
Charleston County :

J. W. POLITE, a witness of legal age, produced by contestan
buttal, upon due notice to contestee, deposes as follows in refer
questions propounded by the contestant :

Question. State your age, residence, and occupation.—Answe
23 ; my residence at present is No. 2 Ashe Court, city of Chai
my occupation is an attorney-at-law.

Q. Were you at the Niagara Engine House, ward 8, on the n
of the last general election ?—A. I was.

Q. In what capacity were you there ?—A. I went there as
Supervisor Burke.

Q. Did you when you went there take a list of names already
on paper, on a sheet of paper, or several sheets of paper, with na
ready written on them ?—A. I did not carry anything like pap
me.

Q. Did you act as clerk for a while ?—A. I did.

Q. How long ?—A. From the opening of the poll until a little
o'clock.

Q. About one hour ?—A. Yes, sir.

Q. Was your presence objected to ?—A. It was.

Q. By whom ?—A. By one of the managers, Mr. Heidt.

Q. Were you compelled to leave ?—A. Oh, yes, sir; he told
he had instructions not to allow the supervisors any clerk, and
had to leave.

Q. Did you leave ?—A. Yes, sir, I did.

Q. When you left did you take with you any list of names ?—
sir, I did not ; I left the list right on the table.

Q. The supervisor's poll list ?—A. Yes, sir.

Q. When you began keeping the poll list was there any other
cept the blank poll list of the supervisor ?—A. No other.

Q. Did he have, so far as you know, any list of names alre
pared ?—A. He did not; only the poll list already prepared wit
bers on it.

Q. The poll-list was numbered?—A. Yes, sir; I wrote the first name in it.

Q. When you got there the poll-list was numbered?—A. Yes, sir, it was numbered.

Q. Do you belong to any colored associations?—A. I do.

Q. What associations do you belong to?—A. I am connected with the Sunday School Teachers' Association and many charitable associations.

Q. Do you belong to any fire or military company?—A. No, sir.

Q. The associations to which you belong are religious and charitable?—A. Yes, sir.

Q. Have you ever in those associations heard of a colored man being expelled for voting the Democratic ticket?—A. No, sir. I never heard of it; in the association I belong to, they never speak politics.

Q. Did I understand you to say that you were a Sunday-school teacher?—A. Yes, sir.

Q. To what church do you belong?—A. Wallingford, on Meeting Street.

Q. Who preaches there?—A. Mr. Elias Garden.

Q. Is it a large or small congregation?—A. It is not really a large congregation; I think the congregation is between four or five hundred.

Q. Have you ever heard politics preached in that church?—A. I never heard it; that is a Presbyterian church.

Q. Would you allow your ministers to preach politics?—A. No, sir; we would not have a preacher in that church who was connected with politics.

Q. Would it be allowed for one member of that church to charge against another as an offense the fact that he had voted the Democratic ticket, and that he be expelled on that ground?—A. No, sir. I don't think it would be allowed.

Q. You never heard of anything of that kind?—A. No, sir.

Q. Is it true that a colored man cannot vote the Democratic ticket in the city of Charleston without the fear of being ostracized by the other colored men?—A. That is not true.

Q. So far as your knowledge extends, and judging from your associations among the colored people, what political party do they belong to?—The Republican.

Q. Are there many colored Democrats in the city of Charleston?—I don't think so. I only know three to my own knowledge.

(Contestee objects to the evidence of this witness being introduced at this stage of the proceedings, and submits that it should have been introduced in the direct evidence of contestant.)

Cross-examination by H. EDMUND RAVENEL, counsel for contestee:

Q. Did you hear the evidence of that witness who testified as to your striking off the poll-list?—A. Never did. I did not know that there was such testimony.

Q. Have you ever been informed of it?—A. No, sir.

Q. I mean were you informed of it before you testified?—A. No, sir; as not.

Q. Who engaged you as a clerk?—A. William E. Burke, the Republican supervisor.

Q. Does Mr. Burke hold other offices?—A. I don't know of my own knowledge; I know in fact he was appointed supervisor for the day of election.

Q. You know through whose recommendation you received the appointment as supervisor's clerk?—A. Through my own request.

Q. Do you know who nominated Mr. Burke for the appointment of supervisor?—A. I don't know.

Q. To what race do you belong?—A. To the negro race.

Q. You are an attorney at law?—A. Yes, sir.

Q. You are not old enough to have had much experience in politics?—A. Never had.

Q. Never took much notice of it?—A. No, sir; never did; but vote— for the last two years.

Q. I suppose your studies took up your time so that you could not be paying attention to politics?—A. I would give my attention on the day of election; I could not outside of the day of election; no, sir, I did not give my general attention to politics.

Q. Then, as to anything you say in regard to the relative number of Democrats in the city is from hearsay?—A. I state as facts that all I know of is three.

Q. You don't undertake to say how many there may be?—A. No, sir.

Q. You don't undertake to say specifically how many there are?—A. No, sir; from my own knowledge I can say I know but of three.

Q. When you speak of the number of colored Democrats in the city, you only estimate by the proportionate number of colored Democrats of your acquaintance?—A. Yes, sir.

Q. So that you don't undertake to say that there are no more?—A. No, sir.

Q. That is only a general idea?—A. Yes, sir.

Q. Have you not heard it stated that there was a large number of them?—A. I have heard so.

Q. Have you not heard of colored Democrats assembling and holding meetings, and so forth?—A. I heard of that, also.

Q. Don't you know that it is done?—A. No, sir; I don't.

Q. I don't mean that you can swear to it of your own knowledge, but don't you believe it is done?—A. I don't believe it, because I got my information from the papers, and the very places the papers said these meetings were to be held I knew the people, and they don't bother with meetings.

Q. Do you not think there was some foundation for the report of the News and Courier?—A. No, sir; I think there was an object.

Q. There was undoubtedly an object in endeavoring to make the meetings of the Democratic negroes appear as strong as possible, inasmuch as the News and Courier is a pronounced Democratic newspaper; but do you not know that there is some foundation for what it says on the whole?—A. I dare not say.

Q. You cannot say whether there is or not?—A. No, sir; my experience is very small, not being a politician myself.

Q. You say you are a member of the Presbyterian Church?—A. Yes, sir.

Q. Is your church in any way connected with the presbytery in this State?—A. I cannot say, of my own knowledge. I know they have something of the kind; but whether it is what you speak of I don't know.

Q. Is not the discipline of the Presbyterian Church, in your opinion, stricter than that of most of the other denominations?—A. I think that in some respects it is.

Q. What might be disallowed in your church on account of the strictness of discipline might be allowed in some other churches?—A. It might be.

Q. Have you heard that politics have been preached in some of the other churches?—A. Not to my knowledge.

Q. Are you a regular attendant at that church?—A. Not regular at all. I have not been regular in my past life, and could not be regular in my attendance.

Q. Do you run around to the other churches?—A. Yes, sir; sometimes go to one church and then to another.

Q. You would not undertake to say that politics were not preached in the churches?—A. Not to my knowledge. I have attended most all of the churches—most every Sunday I go to church.

Q. Have you ever heard it charged that politics have been preached in the churches?—A. Not to my knowledge.

Q. Do you hold any office under the Republican party?—A. I was the former janitor of the court-house.

Q. From whom did you get that appointment?—A. I got that appointment from the county commissioners.

Q. Who were those county commissioners?—A. George I. Cunningham, Louis Dunneman, and W. H. Thompson.

Q. Has it not been very generally charged, and so far as could be seen with good foundation, that there were gross irregularities and frauds in the county commissioners' office during the time of office of those gentlemen?—A. I don't know. I know there was a great deal of talk about suing the county. I thought once about suing the county myself.

Q. They did not pay you?—A. They did not pay me my salary. I know there were several suits in court by way of mandamus, and so forth.

Q. You got your appointment from that board?—A. Yes, sir.

In reply by E. W. M. MACKEY, contestant:

Q. What was the nature of these suits; civil or criminal?—A. Civil suits.

Q. Do you mean it to be inferred that because there was several suits against the county commissioners that great frauds were committed by them?—A. No, sir.

Q. Do you mean by anything you said that the county commissioners were guilty of great frauds which necessitated legal actions to be brought against them?—A. No, sir.

Q. Were not the most of these suits against the county for back indebtedness before that board went into office?—A. Yes, sir.

Q. And have not been settled since, not even by the Democrats?—A. No, sir.

J. W. POLITE.

Sworn to and subscribed before me this 28th day of November, A. D. 1879.

E. H. HOGARTH,
Notary Public, So. Ca.

Deposition of W. E. Burke.

In the matter of the contest of E. W. M. Mackey and M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

WILLIAM E. BURKE, a witness of legal age, produced by contestant in rebuttal upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. Have you not already testified in this cause?—Answer. Yes, sir.

Q. Were you a supervisor of election at the Niagara engine-house, ward 8?—A. Yes, sir.

Q. Is it true that you came there in the morning with a part of your poll list already prepared or with a long list of names on a sheet of paper?—A. No, sir.

Q. Is there any foundation at all for that statement?—A. None [that I know of.]

Q. Did you give any list of names to J. W. Polite when he left?—A. No, sir; Polite was told to leave, and if he didn't he would be put out.

(Testimony of witness objected to as part of the original case of contestant and not legally in reply.)

Contestant submits that the evidence of this witness is strictly in rebuttal of the testimony of certain witnesses of contestee.)

W. E. BURKE.

Sworn to and subscribed before me this 29th day of November, A. D. 1879.

E. H. HOGARTH,
Notary Public, So. Ca.

Deposition of Rev. M. B. Salter.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

Rev. M. B. SALTER, a witness of legal age, produced by contestant in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Question. State your age and residence.—Answer. I am now in my 39th year; I reside in Beaufort, South Carolina.

Q. Where did you reside at the time of the last election, November, 1878?—A. 33 Mary street, Charleston, South Carolina.

Q. What is your profession?—A. Minister of the gospel.

Q. With what denomination are you connected?—A. The African Methodist Episcopal Church.

Q. Of what church were you the pastor at that time?—A. Emanuel Church, Calhoun street, between Meeting and Elizabeth streets.

Q. What was the size of that congregation?—A. When I had charge of it, it numbered 3,600 members.

Q. Including both men and women?—A. Yes, sir.

Q. Was it not the largest colored congregation in the city?—A. Yes, sir; in the city or State.

Q. How long were you pastor of that church?—A. Four years.

Q. State the years in which you were pastor.—A. From February, 1875, to February, 1879.

Q. You have since been transferred?—A. To another field of labor, namely, Beaufort, South Carolina; that is according to the rules of our church; for one, two, three, and four years.

Q. While you were in charge of that church, did you ever deliver a political sermon, or in any way attempt to influence the minds of your congregation as to how they should vote?—A. No, sir.

Q. Would it be permissible for one member of your church to charge as an offense against another that he had voted or acted with the Dem-

ty?—A. No, sir; that would be contrary to the rules of our

you ever known of any member of your church being ex-voting the Democratic ticket?—A. None could be except by and none was ever brought to my attention.

you ever in any way attempted to influence the minds of egeration in regard to the manner in which they should vote?—

you ever participated in politics?—A. None, whatever; ote.

you ever, because of your position, attempted to assume the adership of your people?—A. Never.

(The objection is interposed in regard to this witness as being ly brought in at this stage of the proceeding.)

you heard any charges that politics have been preached in churches?—A. No, sir; not while I preached in Charleston, read once in the Daily News where politics were preached ountry, but to hear it direct I never did.

you heard that there was any dissatisfaction amongst the men because of their husbands voting the Democratic . I have not directly heard so; I read once or twice that there issatisfaction in the up-country, and I read once or twice in News that such dissatisfaction was in the city.

ou know what is the politics of your flock?—A. I cannot n't know whether my flock were principally Democrats or s; but I think the majority of my congregation were Repub-

u not believe that there is some truths in the statement of en making it uncomfortable for their husbands who voted atic ticket?—A. Really, I cannot say I don't believe that; I ight that that was just a rumor. I am certain that it was orable for them in the church in which I presided. I am t.

you think there is some foundation for the charge of politics preached in the churches?—A. There may be; but it was here, from the fact that my congregation was large, and it of my time to attend to their spiritual wants.

Deposition of Rev. John S. Everett.

er of the contest of E. W. M. Mackey against M. P. O'Connor.

SOUTH CAROLINA,

Charleston County:

IN S. EVERETT, a witness of legal age, produced by contest- ital upon due notice to the contestee, deposes as follows in questions propounded by the contestant:

. What is your age?—Answer. I am 62.

e is your residence?—A. 68 Morris street, at present.

is your profession?—A. Minister of the gospel.

long have you been a minister of the gospel?—A. About 11

at denomination do you belong?—A. The African Methodist

Q. What church are you in charge of at present?—A. Hayne's Chapel and Shiloh.

Q. Where are those two churches?—A. Up on the State road; both of them are in this county.

Q. About how far from the city?—A. Shiloh is about 6 and a half miles, and the other is by the 3-miles post.

Q. How long have you been in charge of those churches?—A. Since last February.

Q. Previous to that where were you stationed and what church were you in charge of?—A. On John's Island.

Q. In this county?—A. Yes, sir.

Q. Did you have the country churches under your charge?—A. Yes, sir; St. Stephen's, St. Matthew's, St. James's, and St. John's.

Q. All on John's Island?—A. Yes, sir.

Q. How long have you been in charge of those churches?—A. Three years.

Q. During all of this time have you ever in any of the churches within your charge attempted to preach political sermons?—A. I never did; I was always opposed to it.

Q. Have you ever allowed it to be done in any of your churches?—A. No, sir.

Q. Have you ever during that time assumed to be the leader of your people in politics?—A. No, sir; I let them act for themselves.

Q. Have you ever attempted in any way to interfere with them in the exercise of their franchise, or advise them as how they should vote?—A. I never did.

Q. Have you ever known of any instance within your knowledge in any of your churches of a colored man being expelled or censured by the church because of his having voted or acted with the Democratic party?—A. Not one to my knowledge.

Q. Would it be permitted for one member of the church to charge against another member as an offense the fact that he had voted the Democratic ticket?—A. No, sir; not if it was brought up before the board.

Q. Have you, in any of your churches, ever attempted to make the people vote the Republican ticket or to make them act with the Republican party?—A. No, sir; that is something that I never interfered with.

Q. Have you ever taken any part in politics?—A. Never did in my life.

Q. Except to vote?—A. That is all.

(Counsel for contestee objects to the evidence of this witness on the same grounds as has been generally stated in the preceding examinations.)

Cross-examination by H. EDMUND RAVENEL, counsel of contestee

Q. Do you know whether there are any Democrats in your congregations?—A. Yes, sir.

Q. There are some?—A. Yes, sir.

Q. Do you not know that in some of the churches politics have been preached?—A. Not in my churches.

Q. Outside of your churches?—A. I have heard of it.

Q. You say you have uniformly opposed the bringing of politics into the church?—A. Yes, sir.

Q. You mean, then, to imply that there are advocates of its introduction into the churches?—A. No, sir.

Q. There has been some who wanted to introduce it into the churches?—A. No, sir; I was one who opposed it; I was not sent there; I was sent to preach the gospel.

Q. You opposed it from conscientious motives?—A. Yes, sir. When they want to hear anything like that they must go to mass-meetings; that I have nothing to do with.

Q. You have, then, never allowed it in your churches, but have heard of it outside?—A. I have heard of it.

In reply by E. W. M. MACKEY, contestant:

Q. You stated that you had heard of politics being preached in the churches; just state through what source you heard that; was it published in the newspapers or where?—A. No, sir; it was a rumor.

Q. Has it been a rumor to which you paid much consequence?—A. No, sir; I never saw any one injured by it or any body expelled from the church for it.

Deposition of Rev. James F. Dart.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

Rev. JAMES F. DART, a witness of legal age, produced by contestant in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. What is your age?—A. Answer. I am 58.

Q. Where do you reside?—A. My family resides in Charleston, but I am preaching now on the Willtown circuit.

Q. What is your profession?—A. A minister of the gospel.

Q. With what denomination are you connected?—A. The African Methodist Episcopal Church.

Q. What church were you in charge of last November (1878)?—A. I was on the Willtown circuit.

Q. Have you ever been in charge of any churches in Charleston County?—A. Yes, sir; I was on the Wadmalaw and John's Island circuit for about six years.

Q. Were the churches on those two islands under your charge?—A. Yes, sir.

Q. How many churches had you in your charge?—A. Four churches.

Q. What years were you on that circuit?—A. I went there in 1870 and remained there until 1876.

Q. After that you took charge of the Willtown circuit?—A. After that I took charge of the St. Andrew's circuit.

Q. How long were you in charge of that circuit?—A. Two years.

Q. What years?—A. That brought me up to 1878; the latter part of 1878 I was removed to the Willtown circuit.

Q. St. Andrew's circuit is in Charleston County?—A. Yes, sir.

Q. During the time you have been connected with the ministry have you ever attempted to preach political sermons to your congregations?—A. No, sir.

Q. Have you ever allowed it to be done in any of your churches?—A. Never did.

Q. Have you ever attempted to assume the political leadership of your people?—A. Never did.

Q. Have you ever known of an instance of a colored man being expelled or censured by the church to which he belonged for voting the Democratic ticket?—A. No, sir; if there was it would have come under my observation.

Q. Would it be permitted for one member to charge against another as an offense, the fact that he had voted the Democratic ticket?—A. No, sir; every man has a right to enjoy his political feelings in my church.

Q. Have you ever instructed your congregation how they should vote?—A. No, sir; I never. I always thought they had right to do as they pleased in that direction.

Q. Is there any truth in the charge, so far as you are aware, that a colored man cannot vote the Democratic ticket without being expelled or brought to answer for it before the bar of his church?—A. No, sir; I consider that as against the rules of the church. We never interfere with the political rights of the people; they vote just as they feel inclined to vote.

(Contestee objects to all of the preceding interrogatories upon the ground of their not being in reply to any new matter developed in the testimony brought out by the contestee.)

Cross-examination by M. P. O'CONNOR, contestee:

Q. Are you a native of this State?—A. Yes, sir; this is my native State.

Q. Were you born in Charleston?—A. I was born in Georgetown, but I resided in Charleston nearly all of my life.

Q. How long have you lived in Charleston?—A. I came here when I was about 10 years old, and I am now in my 58 year; I have lived nowhere else but in Charleston—all my lifetime, you may say.

Q. Have you been a free man all your life?—A. No, sir; I was a slave up to the war; my former owners are now living.

Q. Who was your former owner?—A. Mr. R. C. Smith.

Q. Were you a minister before the war?—A. I was, as far as the law of the land allowed me to be.

Q. Are you a member of the colored race?—A. Yes, sir.

Q. Are you a Republican?—A. I am.

Q. Did you vote for E. W. M. Mackey for Congress?—A. I did.

Q. You are the pastor of the John's Island circuit?—A. No, sir; I am on the Willtown circuit at present; I was on the John's Island circuit for some time.

Q. Where is Willtown?—A. You get off at Rantowles Depot and ride to it.

Q. Where is your pastorage now?—A. Willtown.

Q. In Colleton County?—A. Yes, sir.

Q. When were you the pastor on John's Island?—A. Up to the first part of 1878.

Q. How long were you in Charleston County?—A. My family are all here.

Q. When was your field of labor in Charleston County?—A. Up to February, 1878.

Q. Where was your field of labor before that?—A. St. Andrew's circuit.

Q. What church were you connected with?—A. St. John's Tabernacle.

Q. Were there any white people among your people in that church?—A. No, sir; we have a distinct colored body; we do all of our own business.

Q. Were any Democrats members of your church?—A. That I don't know; I never questioned them upon their politics.

Q. Do you know of any Democrats being there?—A. I don't question them upon their politics.

Q. Unless there were Democrats in your church, there was no cause for ostracism?—A. I don't question them.

Q. Do you not regard your whole congregation as Republicans?—A. No, sir; I could not say that, because I would then know their principles.

Q. Don't you believe they are Republicans?—A. That might be my private opinion; I never questioned them, and I cannot assert it as a fact.

Q. You are a Republican yourself?—A. Yes, sir; always was.

Q. Have you any reasons to believe that the members of your congregation were any different in their political belief than you yourself?—A. I had nothing special.

Q. Do you not know it to be a fact that the colored people as a mass have all since the war labored under the impression that the restoration of the Democracy to power would result in their re-enslavement?—A. I have some reasons to believe that that is so.

Q. Would not a people of that mind entertain by the blacks be calculated to make them very intolerant of one of their own color who became a member of the Democratic party, which they believe would, if they had the power, would re-enslave them?—A. In some respects they may.

Q. Would that not be naturally the idea of a person of that character?—A. Yes, sir.

Q. If there had been any ostracism or ill feeling on the part of one colored man towards another on account of his acquaintance because he was a Democrat, or if utterances or threats had been made by one or more colored men against one or more colored men because they were Democrats, would these occurrences have come under your observation or not?—A. No, sir.

Q. So that there may have been without your knowledge ostracism and other disquietudes incurred by colored Democrats in consequence of incurring the enmity of colored Republicans?—A. If it comes in contact with my church I would know it.

Q. Your congregation is in Colleton County at present?—A. Yes, sir; at present.

Q. And outside of this Congressional district?—A. Yes, sir; but I generally assist the other ministers in the other counties.

Q. Have you not heard of politics being introduced in the pulpit by colored divines?—A. I heard of men introducing it, but I never interfered with it in any shape or form.

Q. You have heard of it being practised?—A. For instance, if he takes his text and only gives his advice it is politics, he gives his advice as a minister, without interest in political affairs.

Q. Is there no minister, or divine, or elder that you know of that preaches politics to the negroes at this time?—A. No, sir.

Q. Have you not heard of R. H. Cain doing so?—A. He has been away from us four years.

Q. But you have heard of him doing so?—A. He was a public man, but I believe all of Elder Cain's advice to his people has been wholesome.

Q. You are one of his friends?—A. Yes, sir; always was. He is of

the same denomination as I am, the African Methodist Episcopal Church.

Q. But you believe such a course has been adopted in the pulpit your church, yet you have not adopted the preaching of politics you self?—A. No, sir; whenever it has been preached from the pulpit, has been for their benefit; for their political rights as well as for the spiritual rights. I never heard any advice given from our pulpits that would be detrimental to the community, but for their benefit generally.

Q. You mean by that what the preachers understand to be for the benefit?—A. I mean what the preachers believe to be for their benefit and what intelligent hearers would believe to be for their benefit. I am only speaking of what I heard.

Q. You mean that you have heard such advice given?—A. Yes, sir, that is what I mean.

Q. You know to what party those preachers belong?—A. I have heard of course, of Elder Cain. I have reference to him at present.

Q. He is a Republican?—A. Yes, sir.

Q. The political advice which you have heard given to the colored people from the pulpit has emanated from Republican ministers?—A. Yes, sir.

In reply, by E. W. M. MACKEY, contestant:

Q. Have you ever heard of any other ministers except Mr. Cain being mixed up in politics?—A. Yes, sir.

Q. What other ministers?—A. I think I heard advice given from one church.

Q. State what was the advice you heard given, and what was the character.—A. I heard from other ministers from the pulpit say, in regard to men standing upon their principles, that they must stand up for men, and act accordingly to their principles, whatever principle they stand upon; I am not prepared to answer, but I have heard different advice from other ministers.

Q. You ever heard any minister advise them that they must vote on ticket in preference to another?—A. No, sir; I never did.

Q. The advice you heard was general advice?—A. Yes, sir; you have the right to vote and you must use it.

Q. You never heard them advise them to vote for any political party?—A. No, sir,

Q. Was not the advice you heard given just as advantageous to one party as to the other?—A. Yes, sir; our advice to them was that they were free citizens and had the right to act as they saw fit.

Q. Then your advice to them was not as to what ticket they should vote?—A. Of course not.

Deposition of Rev. B. F. Porter.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor

STATE OF SOUTH CAROLINA,
Charleston County:

Rev. B. F. PORTER, a witness of legal age, produced by contestant rebuttal, upon due notice to contestee, deposes as follows, in reference to questions propounded by the contestant:

Question. State your age, residence, and occupation.—Answer. My age is 34; my residence, 27 Spring street, city of Charleston; my occupation, a minister of the gospel.

- Q. With what denomination are you connected?—A. The African Methodist Episcopal Church.
- Q. Of what church are you the pastor?—A. The Morris Brown Church, situated in Morris street, in the city of Charleston.
- Q. How large a congregation has it?—A. It has about 1,700 full members and nearly 300 probationers.
- Q. How long have you been pastor of that church?—A. Three years; it is my third year; it will be three years in February.
- Q. How long in all have you been a minister?—A. Twelve years.
- Q. During the time that you have had charge of the Morris Brown church, have you ever preached politics or political sermons in that church?—A. No, sir; I have not.
- Q. Have you known of any other preacher preaching politics in your church?—A. Not to my knowledge.
- Q. Have you ever assumed to be the political leader of your congregation?—A. No, sir.
- Q. Have you ever heard of any member of your church being exiled or censured by the church for having either voted or acted with the Democratic party?—A. No, sir.
- Q. Would it have been permitted for one member of the church to charge an offense against another member that he had voted and acted with the Democratic party?—A. No, sir.
- Q. Is there any truth in the charge, so far as you know, that the colored church organizations are used as a kind of machine for the purpose of benefitting the Republican party and preventing the colored people from voting the Democratic ticket?—A. Not to my knowledge.
- Q. Have you ever yourself engaged in politics, since you have been in charge of the Morris Brown Church?—A. No, sir.
- Q. Since you have been living in Charleston County, you have had nothing to do with politics whatever?—A. Nothing whatever.

Cross-examination by Mr. P. O'CONNOR, contestee:

- Q. Were you born in this State?—A. No, sir.
- Q. In what State were you born?—A. In Massachusetts, Berkshire County, the town of Williamstown.
- Q. You are one of the black race; you are a member of that race of people?—A. My color would answer that question.
- Q. I have my reason for asking that question, as there is no distinction made in the testimony?—A. Yes, I am identified with that race; I could not well get out of that.
- Q. How long have you resided in this State?—A. I have been in this state 7 years.
- Q. You came here, then, about the year 1872?—A. Yes, sir.
- Q. After you arrived here and became connected with your people as a black, over whom you preside as the minister, did your intercourse with them teach you that they had been so wedded by virtue of their connection to the Republican party that they would have regarded it criminal on their part to have voted against that party?—A. I don't know; I never have acted as the conscience for the people and could not answer that question.
- Q. From your experience, whether in ordinary intercourse or in your official intercourse with your people or congregation, have you ever heard them express themselves as being firmly convinced that voting for the Democratic party was equivalent to voting for their re-enslave-

ment?—A. I don't know that I have ever met with any party that ev- er thought it was a criminal thing to vote the Democratic ticket.

Q. Have you ever heard any of them express themselves that ~~any~~ man that voted the Democratic ticket would vote for their re-ensla~~e~~-ment?—A. I have heard that expression.

Q. Have you heard it often?—A. I have heard it frequently in the upper sections of this State more than I have in this section.

Q. Have you in your experience and intercourse with your people ever found or seen or heard any display of political utterances among them against any of their race who profess to be Democrats?—A. I don't know but that I may have heard some talk in that direction. I heard some say it would almost be a crime for them to vote the Democratic ticket, there is no doubt about that.

Q. Did you yourself take any part in the last election?—A. No, sir.

Q. Did you vote?—A. I did.

Q. For whom did you vote for Congress?—A. I voted for Mr. Mackey.

Q. Have you been confined in the duties of your ministry to the Morris Brown Church in Charleston?—A. No, sir.

Q. Where else have you officiated?—A. I officiated in Cokesbury and Newberry.

Q. Have you ever heard any other colored ministers allude to or preach politics in the church?—A. No, sir.

Q. Have you not heard of other colored ministers having disseminated political ideas?—A. No, sir.

Q. Do you not know that the Rev. R. H. Cain preached politics?—A. Not to my knowledge.

Q. Have you ever heard him?—A. I have heard him pretty often.

Q. From the pulpit?—A. Yes, sir.

Q. Not on the hustings?—A. No, sir; I heard him make a political speech from the Market Hall during the last campaign.

Q. Have you been connected with the Liberian exodus scheme?—A. I have.

Q. You are the president of that association?—A. No, sir; at its inception I was its president.

Q. You are not president now?—A. No, sir.

Q. Who is the president now?—A. The Rev. James M. Brawley,

Q. Were you president at the time of the sailing of the "Azor"?—A. I was.

Q. Has the association been in great financial difficulties?—A. Yes; I think it has.

Q. Is it bankrupt?—A. I don't know anything about it.

In reply, by E. W. M. MACKEY, contestant:

Q. At the time Mr. Cain made that speech was he in charge of ~~any~~ church?—A. No, sir.

Q. And had not been for some time?—A. Not for two years, I think.

Q. Has any financial difficulty that the Exodus Association has been in owing to any misappropriation of the funds while you were connected with it?—A. Not that I know of.

Deposition of L. F. Wall.

in the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

L. F. WALL, a witness of legal age, produced by contestant in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. State your age, residence, and occupation.—A. Answer. I am ; residence, 60 Calhoun st., city of Charleston; occupation, a tailor.
Q. Were you present at any polling place on the day of the last general election ?—A. Yes, sir; I was at the Eagle engine-house, ward 5.
Q. Did you hold any position there ?—A. I was a deputy United States marshal.

Q. Is it true that while acting as a deputy marshal you also acted as challenger on the part of the Republicans ?—A. By no means; that would have been contrary to the instructions I received from the marshal.

Q. Did the Republicans have any challengers there at all; that is, were their challengers allowed inside ?—A. No, sir; they were not allowed inside at all.

Q. Who was the other deputy marshal at that poll ?—A. John Nesbit.
Q. Did he act as a challenger on the part of the Republicans ?—A. No, sir.

Q. Were you at the poll when the votes were counted in the evening, while Mr. John H. Devereaux was present ?—A. I was.

Q. How long did Mr. Devereaux remain there ?—A. Mr. Devereaux went off just after the poll closed and returned again just after they had begun to count the votes.

Q. Do you recollect any remark made by Mr. Devereaux while the votes were being counted ?—A. I remember a remark made by Mr. Devereaux that struck me very forcibly. It was in regard to the tissue ballots. He said these tissue ballots have served an excellent purpose, and 1880 we will call them sweethearts.

Q. Did you see the whole count ?—A. Yes, sir; I saw the whole count.

Q. Is it true that about one hundred or one hundred and fifty Republican tissue tickets were found in that box ?—A. No, sir; they were not. There were any Republican tissue tickets in the box they did not amount to more than three or four.

Q. Did any of them come out of the box folded together ?—A. Not that I saw. I didn't see any come out there folded together.

Q. If any were taken out folded together is it probable that you would have seen them ?—A. I would have seen them, because I stood by the table where I could see everything.

Q. Did you see any tissue tickets at all taken out of that box ?—A. I saw the greatest quantity of Democratic tissue tickets, and I was quite surprised when I did see these tickets in the box, because I was standing near the box all day and I did not see any tickets like these voted. The Democratic tickets I saw voted were check-back tickets and the Republican tickets were plain white paper. I saw nothing of the Democratic tissue tickets until after the box was opened. I was surprised to see them there and wondered how they could have got there.

Q. In opening the box did the managers act in such a way as to create suspicion in your mind that anything was wrong ?—A. They did what regarded as foul. As soon as the box was opened one of the managers put his hand in and began to knead the tickets together, and in

kneading them together they rose up in the box until it was filled. Whether he had the tickets in his sleeve or whether the small ones were inside the larger tickets, I cannot tell. It was while he was kneading them that I first saw the tissue tickets.

Q. Are you a member of any colored organizations or societies?—A. I am a member of two societies. There is another society with which I am connected, but I have been a member of it only three or four years. The other two I was a member of before the war, but during the war one of them lost what money it had in the Bank of Charleston and there has been no regular meeting of that society for some time. The other society, which was organized in 1802, is still in active operation.

Q. What is the name of that society?—A. The Humane and Friendly Society.

Q. How large a society is it?—A. The roll of membership is about 47.

Q. What is the name of the other society?—A. The Friendly Association. It is a much younger association. It was organized in 1851. That is the one that has not met since the war but three or four times.

Q. Are not your acquaintances mostly among what are known as the old free colored people?—A. Yes; before and since the war.

Q. Have you always been a free man yourself?—A. Always.

Q. Are you a real-estate owner?—A. I am.

Q. Is it true that nearly all of the colored people who always were free are now Democrats?—A. On the contrary, the great mass of the old free colored people are Republicans. Very few assume to be Democrats.

Q. Are the few who are Democrats ostracized by the other colored men because they are Democrats?—A. By no means. We seldom talk politics to each other, except when a political canvass is going on. There is no ostracism whatever amongst us on account of politics.

Q. So far as you know, is it true that a colored man cannot vote the Democratic ticket or act with the Democratic party without the fear of being ostracized by the other colored people?—A. Oh, no. I know some four or five colored men that I know to be Democrats. There is no difference made between them and other men. I know a man by the name of Morrison who has never voted a Republican ticket from reconstruction to the present time, and he is a member of the society to which I belong, and he is respected as much as any other member. No one interferes with him on account of his politics.

Q. Do you belong to any colored church in the city of Charleston?—A. Yes, sir; St. Mark's Church.

Q. Have you ever known any colored man to be expelled from that church or censured by it for voting the Democratic ticket?—A. No, sir; nothing like that has ever been hinted in that church.

Q. In your church, would one member be allowed to charge as an offense against another the fact that the latter had voted the Democratic ticket?—A. Ours is a Protestant Episcopal church, and no charge could be brought against any member except for some gross violation of decency.

Q. Until recently, was not the pastor of that church a very strong Republican?—A. Yes, sir; he was.

Q. Until his death?—A. Yes, sir. He died about two years ago.

Q. Was it customary in your church for the pastor to preach political sermons?—A. No. I never heard Mr. Seabrook allude to anything like politics in the pulpit. An Episcopcal minister is required to write his sermons, and if Mr. Seabrook wrote a sermon which contained politics the bishop could have called for it and examined it. According to the

es of the Episcopal Church it wouldn't be allowed. Though Mr. Seabrook was a strong Republican, he never once alluded to politics in his preaching.

Q. So far as you know, with what political party do the members of that church generally act?—A. As a general thing the members of that church are Republicans. There are some few—I don't suppose they amount to more than three or four—that assume to be Democrats.

Q. As a general rule, are not the members of that church men of education and property?—A. All or very nearly all are men of education—that is, ordinary education. The greater number of them are property-holders.

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Is not the society in which you move composed of men who have more intelligence and independence of thought than the masses of the colored people?—A. I so regard it.

Q. Do you not think that the people in your church have a better idea of the province of the church and the province of preaching, and that church discipline is better conducted, than in a majority of the other colored churches?—A. Oh, yes, decidedly.

Q. Don't you suppose that a great many things might be tolerated in other churches that wouldn't be tolerated in your church?—A. Yes, sir.

Q. Do you say that politics have never been preached or broached in other churches?—A. Not to my knowledge.

Q. But you have no knowledge of it?—A. I have been so seldom in other churches that I must say not to my knowledge. The few times I have visited other churches I never heard politics mentioned in the pulpit. I have visited Emanuel Church, on Calhoun st., and I never heard politics preached there. I have also visited Zion Church, and never heard politics preached there. Mr. Seabrook, our pastor, never introduced anything like politics in his sermons.

Q. Don't you think there is greater laxity in the other churches than in your church?—A. Yes, sir; decidedly. I do believe it.

Q. And you do not undertake to say what may have been preached in other churches, as you have very little experience about it?—A. I could not.

Q. Does not your society hold itself exclusive, and mix very little with the masses of the black people?—A. Very little.

Q. Is not the circle in which you move known and recognized as the aristocratic colored element of Charleston?—A. I don't know about its being aristocratic. I know we have always held ourselves apart from the great mass of the colored people.

Q. You are socially exclusive?—A. Yes, sir; to some extent.

Q. Now, from what you know of the masses of the colored people, might not a thing affect them which you would regard as trifling; I mean would not instances of fear from persecutions of any kind, of a political tendency, probably affect the uneducated negro differently from what it would you?—A. The fear of it might.

Q. Although you do not mix with the masses of the colored people, are you not, as an intelligent citizen, some knowledge of their condition in the state?—A. I have.

Q. Do you believe that anything like social ostracism has existed among them on account of politics?—A. None whatever.

Q. Do you not know of instances of violence committed against colored men on account of politics?—A. No, sir.

Q. None are within your direct knowledge?—A. None are within my exact knowledge.

Q. Do you not know, upon information and belief, that negro women have used expressions of violence towards their husbands and others who might have attempted to vote the Democratic ticket, or have deprived their husbands of the comforts of bed and board on account of politics?—A. I don't know of any such cases.

Q. Have you no information on the subject sufficient to constitute a belief?—A. No, sir.

Q. You say the Democratic tickets were checked-back?—A. Yes, sir.

Q. Were not the tissue tickets also checked-backed?—A. No, sir.

Q. Could not a tissue ticket have been easily voted between the fingers without you being able to tell what kind of a ticket was being voted?—A. I saw no ticket voted between the fingers by any person. No one appeared to be desirous of concealing the ticket he voted.

Q. You didn't see every vote cast?—A. No, I didn't see every vote put in.

Q. How long were you there?—A. I was there from early in the morning until the election was over and the votes counted.

Q. You were not observing the voting the whole time?—A. Nearly all the time. Sometimes I went off to get a glass of water and then there may have been some votes put in. I didn't remain at the ballot-box during the entire day. I left it once or twice and retired to the rear of the engine-house to get a glass of water, but came back immediately. I was generally observant.

Q. Outside of that kneading which you speak of did the managers seem to make a fair count?—A. I think not. When the registry of voters was found to be less than the number of tickets in the ballot-box, the managers then proceeded to draw out the surplus, and by having these tissue tickets and by the large Democratic tickets being also of a softer paper than the Republican tickets, most all of the tickets, in fact nearly all that were drawn out were Republican tickets. A gentleman who was present, I rather think it was Mr. White, remarked to me that "Col. Mackay has bad luck in this drawing." I said "I don't know so much about the luck; the gentleman who is drawing seems to have a keen nerve in his fingers for feeling the tickets." There is no doubt he could tell what ticket he was drawing.

Q. Were they not drawn out of a covered box?—A. Yes, sir.

Q. He couldn't see what ticket he drew out?—A. The manager who drew out the tickets was blindfolded, but his blind was not properly put on, for he certainly could see by looking down. But it was not necessary for him to see, because by having the tissue tickets and by the other Democratic tickets being on lighter paper also he could easily discover the Republican tickets by feeling, and he did in fact draw out nearly all Republican tickets.

Q. Did you count the Republican tickets that were drawn out?—A. I did; but I cannot remember the number now. I remember this: that after they decided that the ballots in the box were so many above the registry of voters, they proceeded to put them back and draw out the number in excess, but after doing so they found that there were still nine more ballots than names on the registry, and they put them back again and drew out nine more ballots, and every one of the nine drawn out was a Republican ticket.

Q. You charge, then, that those gentlemen did not arrange the screen over the drawer's eyes properly, but purposely left it so he could see in the ballot-box, yet you do admit that the box was closed except enough for him to put his hand in?—A. I do say he could see, for on one occasion he drew a Democratic ticket, and as soon as he got it out he dis-

overed it and put it back, saying it was not right. When he drew it at I could see it was a check-back ticket and he had made a mistake. That is the reason I say he could see. The bandage was put on so closely he could look down. If a bandage is put over your eyes in that way, you can certainly look down.

Q. At what polling precinct was that?—A. At the Eagle engine-house, ward 5.

Q. Your opinion, then, is that the whole thing was done wrong?—A. My opinion is that it was wrong from the beginning to the end.

Q. You yourself are a Republican?—A. I am.

Q. Always have been?—A. Yes, sir, since the Republican party was organized in this State.

Q. You are a strong Republican partisan?—A. I am a Republican, but I don't know exactly what meaning you would attach to the word partisan."

Q. You are a strong party man?—A. I am a strong party man.

Q. You were a Republican supervisor on the day of the election?—

No, a deputy marshal.

Q. By whom were you appointed?—A. By Col. Wallace, the U. S. Marshal.

Q. What induced him to appoint you?—A. That I cannot say. I was home and received a notice from him to appear at the court-house. I did appear there and got my commission.

Q. Have you ever as a Republican held any other office?—A. Yes, sir, several.

Q. What were they?—A. I was an alderman of the city of Charlesburg during Mr. Pillsbury's administration. I was a health inspector for ward 5, under the board of health, and I have also been an inspector of customs in the custom-house.

Q. Were you elected an alderman by the Republican party?—A. Yes, sir.

Q. Who was collector of customs when you were appointed in the custom-house?—A. Col. Mackey's father.

Q. Were you then a strong adherent of Mr. Mackey?—A. I don't now, but I have always great respect for him.

Q. You don't know who recommended you for appointment as U. S. deputy marshal at the last election?—A. I don't know. I suppose Col. Wallace himself appointed me because he is well acquainted with me.

Q. Is not Col. Wallace a Republican?—A. I don't know what is his political bias. I never conversed with him on politics.

In reply by Mr. E. W. M. MACKEY, contestant:

Q. How long have you lived in ward 5?—A. I have lived there from 1854 up to the present time—over 25 years.

Q. Are you well acquainted with the colored people of that ward?—Yes, sir.

Q. Did you notice any change in the politics of the colored people of that ward at the last election—that is, had they changed from the Republican to the Democratic party?—A. No; there were a few men who professed themselves to be Democrats who were Republicans before—with and some few others.

Q. Did any who were Republicans in 1876 become Democrats in 1878?—None that I know of.

Q. Had not Smith and the others you speak of been Democrats for a number of years?—A. Smith became a Democrat in 1876. He had always affiliated with the Republicans until after Mr. Cunningham was

elected mayor. He expected to get a berth on the police force, but did not. He told me then that he would go and work with the Democrats because he got no encouragement from the Republicans.

Q. Was there any great change among the colored people in your ward?—A. No.

Q. Is it true that the Republican supervisor and the deputy marshals at the Eagle engine-house said at the close of the election that it was the fairest election ever held here?—A. No, sir; no expression of that kind was made there.

L. F. WALLS —

Sworn to and subscribed before me this 29th day of Nov., A. D. 1879.

E. H. HOGARTH,

Notary Public, So. Car.

Deposition of W. J. McKinlay.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

WILLIAM J. MCKINLAY, a witness of legal age, produced by the contestant in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. State your age and residence.—Answer. Age, 45; residence, 72 King st., city of Charleston.

Q. Where were you born?—A. City of Charleston, South Carolina.

Q. Were you a supervisor of election at any poll at the last general election?—A. I was supervisor at Black Oak, Charleston County.

Q. Did you do anything there on the day of election to prevent the Democratic voters from voting at that poll if they so desired?—A. Not doing whatever.

Q. Did you have any controversy with Dr. Waring, one of the managers in regard to the management of the election?—A. When I was appointed a supervisor I determined to follow the instructions I received. In my opinion I was not appointed a supervisor in the interest of any candidate, but to see that the election was fairly conducted. I knew the laws of the State governing elections and in my opinion, there were some informalities, and fearful that these informalities might be the cause of the box being thrown out, I made a remark which I cannot now give *verbatim*, but the purport of it was that if any one desired to have their vote counted for member of Congress, such person had better go and vote at some other poll. That was all that was said by me.

Q. What were the informalities of which you complained?—A. The managers were not properly sworn, in my opinion, and I brought the fact to their attention.

Q. So far as you know were the managers Democrats or Republicans?—A. So far as I know they were all Democrats.

Q. Did not the poll give a large Republican majority?—A. It did.

Q. Had it not always been a Republican poll?—A. To the best of my knowledge it always had been.

Q. Was anything you said intended for the purpose of preventing the Democrats from voting at that poll?—A. Nothing. As I said before, when I was appointed a supervisor, I considered that my duty was to see that the election was fairly and squarely conducted, and all I said

- s that if any one desired to have their vote counted for member of Congress, they had better go to some other poll.
- Q. Are you a member of any colored organizations or societies in the city of Charleston?—A. I am a member of three societies.
- Q. Of what societies?—A. I am president of the Brown Fellowship Society, the oldest colored organization in the city. I am a member of the Friendly Union Society, and also of the Amateur Literary and Fraternal Society. Besides these I belong to another society for social and vivial enjoyment.
- Q. Have you ever known of a member of any of these societies to which you belong being expelled for having voted the Democratic ticket for having acted with the Democratic party?—A. Never in any society with which I have been connected.
- Q. Would anything of the kind be permitted in any of them?—A. I would not. In all the societies with which I am connected we recognize the fact that every man has a right to think and act for himself.
- Q. Are there any colored Democrats in any of these associations you named?—A. There are a few. There are two, who are so considered in the Brown Fellowship Society, and about the same number in each of the others. I suppose we have about two or three in each.
- Q. Do the other members of those associations make any difference in their treatment of them on account of their politics?—A. Not by any means. We all talk and laugh with each other and sometimes discuss politics.
- Q. What church do you attend in the city of Charleston?—A. I am a member of St. Mark's church.
- Q. Have you ever heard politics preached in that church?—A. Never to me.
- Q. Have you ever known a member of that church being censured or expelled for voting the Democratic ticket?—A. No.
- Q. Would such a thing be permitted in that church?—A. No; such thing would not be permitted in the church or in any society of which I am a member.
- Q. Is it true that most of the colored people who were free before the war in the city of Charleston are now Democrats or vote with the Democratic party?—A. On the contrary they are mostly Republicans. I know this of my own knowledge.
- Q. Have you not always associated in that class?—A. Yes, sir.
- Q. Were you not always a free man?—A. Yes, sir; and my father and grandfather also.
- Q. Was not your father a large property-owner in Charleston?—A. He owned property to some extent.
- Q. Are you not a property-owner yourself?—A. I am.
- Q. From your associations among that class of people to which I have already alluded, can you tell to what political party they belong?—A. They generally belong to the Republican party. There are a few who are Democrats, but as a general thing there are very few of that class who are Democrats. Those that are Democrats are so from honorable motives, and those of us who differ with them are actuated by just as motives. The only difference between us is as to which party will best subserve the interest of the country.
- Testimony of this witness is objected to by contestee upon the ground that it is not in reply.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

- Q. Have you always been a Republican?—A. I have always been a Republican.

Q. An active Republican?—A. Well, I might be termed an active Republican.

Q. You have always taken an active part in politics?—A. As I said before, thinking that the Republican party would best subserve the interest of the country, I always did what I could for the success of that party.

Q. To what race do you belong?—A. To the negro race.

Q. You are not a black man, but a colored man?—A. I have been called black, but I don't consider myself black.

Q. Have you held any office under the Republican party?—A. I have held several.

Q. Name them.—A. Registrar of mesne conveyance of Charleston County.

Q. For how long?—A. Eight years. I was first a member of the legislature, and then registrar of mesne conveyance. I have also been an alderman of the city of Charleston. These are about all the offices I have held.

Q. You have held office ever since the inauguration of the Republican party in the State, in some capacity or other?—A. I have.

Q. You were elected by the Republican party to all these offices you have held?—A. I was.

Q. Upon whose recommendation were you appointed supervisor at Black Oak?—A. I cannot say upon whose recommendation I was appointed.

Q. Do you mean to assert that the managers at that poll were not sworn?—A. I do assert that they were not sworn, so far as I know.

Q. Would you assert that in the face of their saying that they were sworn?—A. If they were sworn, they were sworn when I was not present.

Q. Is it the law of the State that the managers are to be sworn in the presence of the supervisor?—A. It is not the law of the State that they must be sworn in the presence of the supervisor, but it is the law, as I understand it, that they be sworn in the presence of each other.

Q. Are you certain that is the law?—A. I am not. According to my understanding of the law, they had not been sworn in. I don't mean to say that they had not been sworn in before they came to the poll that day.

Q. How many votes did Mr. O'Connor get at that poll?—A. As near as I can recollect just now, about 12.

Q. Were there as many as twelve?—A. I think there were twelve.

Q. Was there a large crowd of colored people around the poll?—A. At times there was a fair number.

Q. Very few white people there?—A. Yes, sir.

Q. Did the remarks made by you cause any white people to leave the poll?—A. Not any.

Q. Did they cause any black people to leave the poll?—A. No blacks either. Shortly after the remark was made, they stop voting for a while, but afterwards they voted as before. I don't know that the remark made was the cause of the intermission, but there was an intermission of about an half hour. The voting had slackened off.

Q. Have you ever associated with colored Democrats?—A. As I said before, there are in the societies of which I am a member two or three and I associate with them there, and I have the highest respect for them.

Deposition of T. H. Jones.

atter of the contest of E. W. M. Mackey against M. P. O'Connor.

O F SOUTH CAROLINA,
Charleston County :

JONES, a witness of legal age, produced by contestant in rebut-
due notice to contestee, deposes as follows in reference to ques-
tioned by the contestant :

on. Were you a deputy marshal on the day of the last general
—Answer. I was.

ve you not already testified in this case ?—A. I have.

t true that you were present at the Market Hall on the morn-
ie election when the box was exposed ?—A. I was not present.
en did you arrive ?—A. I arrived after the voting had com-

anybody has sworn that you were present when the box was
must they not be mistaken ?—A. I am positive they are mis-

ross-examination by M. P. O'CONNOR, contestee :

u were one of the deputy marshals at that poll ?—A. I was.

w many deputy marshals were there present ?—A. At what

y time that day ?—A. There were certainly two to my certain
ge. I understood there were to be four, but the other gentle-
not wear their badges outside and I did not know them. The
said there were to be four appointed for that poll.

re they Republicans or Democrats ?—A. There were to be two
cans and two Democrats.

re those that you recognized Republicans ?—A. Yes, sir; those
their badges on and that I recognized were Republicans.

THOS. H. JONES.

to and subscribed before me this 29th day of Nov., A. D. 1879.

E. H. HOGARTH,
Notary Public, So. Ca.

Deposition of J. M. Freeman, jr.

atter of the contest of E. W. M. Mackey against M. P. O'Connor.

O F SOUTH CAROLINA,
Charleston County :

FREEMAN, Jr., a witness of legal age, produced by contestant in
upon due notice to contestee, deposes as follows in reference to
s propounded by the contestant :

on. Is it true that you were at the Washington Engine House
ay of the last general election between the hours of three and
ock ?—Answer. No, sir, it is not true.

any person has sworn to such a statement, he must be mistaken ?
, was mistaken.

it true that you were there at any time in the afternoon before
ing of the poll ?—A. I was not there at any time before the clos-
he poll.

Q. When were you there?—A. Between 7 and half-past seven at night.

Q. Was it after the poll at the Palmetto Engine House had closed?—A. After the poll had closed and they were canvassing the people who live in Calhoun street, and being pretty badly bruised, I went to Aimar's drug store, corner of Vanderhorst and King street, and got some ointment. The Washington Engine House precinct is two yards from there, and I went down there and spoke to Supervisor. He asked him how he was getting along. He said he was getting right; he said he had heard that I was beaten; I said yes; he told me to excuse him, as he did not have any time to talk.

Q. Did you have any other conversation except what you stated?—A. No, sir.

Q. That is all that passed between you?—A. Yes, sir; that is all.

Q. How long did you stay there?—A. Four or five minutes.

Q. You are positive it was between 7 and 8 o'clock when you left there?—A. I swear positively it was between 7 and half-past seven.

Q. Are you positive you were not there previous to that time?—A. I am positive I was not there previous to the time stated.

Cross-examination by Mr. P. O'CONNOR, contestee:

Q. Are you the same John M. Freeman, jr., that was superintendant of the Palmetto Engine-House?—A. Yes, sir.

Q. And you are the same John M. Freeman, jr., that testified in chief in this case?—A. Yes, sir; I am.

JOHN M. FREEMAN

Sworn to and subscribed before me this 29th day of Nov., A.D.

E. H. HOGART
Notary Public,

Deposition of Wm. Wright.

In the matter of the contest of E. W. M. Mackey against M. P. C.

STATE OF SOUTH CAROLINA,
Charleston County:

WILLIAM WRIGHT, a witness of legal age, produced by contestants for rebuttal, upon due notice to contestee, deposes as follows in response to questions propounded by the contestant:

Question. Where do you live?—Answer. Rushland, John's Island, Charleston County.

Q. How old are you?—A. I will be 28 this coming March.

Q. How long have you lived on John's Island?—A. I was born there.

Q. Do you know Maj. G. Lamb Buist, chairman of the Democratic party of this county?—A. Yes, sir.

Q. Were you at his office any time during the last campaign?—A. I was there once.

Q. By yourself or with others?—A. About eight of us were there.

Q. When you were there did you not represent to him that the colored people on John's Island had abandoned the Republicans and were anxious to go over to the Democrats?—A. I could not say so.

Q. If any of the others said so to him, was it true?—A. It was.

Q. In the last election was there any change in the political status of the colored people on John's Island from what existed in

elections?—A. No, sir; in the last election they were stronger Republicans than ever.

Q. So far as you know, to what political party do the colored people on John's Island belong?—A. To the Republican party.

Q. Are any of the colored men on the island Democrats?—A. I know one who stays at Dr. Stevens'. He voted the Democratic ticket at the last election.

Q. Do you know any others?—A. No. I heard there are two on the lower part of the island.

Q. Did the people interfere with them for voting the Democratic ticket?—A. Not at all.

Q. Is it true that a colored man on John's Island cannot vote the Democratic ticket without being insulted, mobbed, and beaten for so doing by the other colored people?—A. No, sir.

Q. Have you ever known a colored man to be turned out of a church on John's Island for voting the Democratic ticket?—A. No, sir; the man who I said voted the Democratic ticket at the last election is an elder now in one of the churches.

Cross-examination by M. P. O'CONNOR, contestee:

Q. What is your business?—A. Planting.

Q. On your own hook?—A. Yes, sir.

Q. You are a black man?—A. Yes, sir.

Q. Always have been a Republican?—A. Yes, sir.

Q. Ever held any office under the Republican party?—A. No, sir.

Q. What carried you, with these eight men, to Mr. Buist's office?—A. I heard the Democrats had a plenty of money to give away, and I went to get some if I could.

Q. You as a Republican went to the Democratic headquarters to get money?—A. Yes, sir.

Q. Did you say to Mr. Buist you were a Republican?—A. No, sir.

Q. Did you expect him to give you money if you avowed yourself a Republican?—A. No, sir.

Q. Where else did you go to try and get money from the Democrats?—A. Nowhere else.

Q. How many times did you go to Mr. Buist's office?—A. Once.

Q. Were you one of the party that got a jug of whisky once?—A. No, sir.

Q. Were you one of the party that was to get up a meeting on John's Island for the Democrats?—A. No, sir; I was one of the party that went to the Democratic meeting.

Q. Were not the eight men who went to Mr. Buist's office the same men that said they would go out and arrange for the Democratic meeting?—A. I don't know.

Q. Who were these eight men who went with you to Mr. Buist's office; I want their names?—A. I can't recollect all that went there. One was Mitchell and another was Abram Chisholm, and there was another Mitchell who was there.

Q. Were Abram Chisholm and the Mitchells Republicans?—A. Yes, sir.

Q. They were some of the men who went to Mr. Buist's office to get money?—A. Yes, sir.

Q. Who were the others?—A. Ladson and myself. I cannot recollect the others.

Q. Have you ever been taught that it was fair to cheat the Demo-

ocrats; to get money out of them before the election and then vot against them?—A. Yes, sir.

Q. Everything is fair in love and war!—A. Yes, sir; if a man tries to fool me I will try and fool him.

Q. Would you not do the same thing again?—A. I would if I got chance.

Q. Would not a majority of the Republicans on John's Island do the same thing you did?—A. Oh, yes.

Q. They would take money from Mr. Buist if he gave it to them?—A. Oh, yes, sir; from any man if he gave it to them.

In reply, by E. W. M. MACKEY, contestant:

Q. Do you know how many meetings the Republicans held on John Island?—A. Two public meetings on the lower end of the island and two at the upper end.

Q. Did the Democrats hold any meetings at all on the island?—A. None at all.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Charleston County:

I, E. H. Hogarth, a notary public in and for the State of South Carolina, do hereby certify that the foregoing depositions of Benj. Mills, I C. Bull, Louis Dunneman, J. J. Young, B. F. Smalls, J. A. Williams, C. W. Matthewes, W. J. Brodie, C. Smith, Jas. Robinson, Henry Norri W. E. Elliott, J. H. Ostendorff, J. W. Polite, W. E. Burke, M. B. Salte Jno. S. Everett, J. F. Dart, B. F. Porter, L. F. Wall, W. J. McKinlay, H. Jones, J. M. Freeman, jr., & Wm. Wright were taken by me pursuant to notice of contestant, and in accordance with the provisions of law, at Charleston, county and State aforesaid, on the 24th, 25th, 26th, 28th, and 29th days of November, A. D. 1879, the contestant and the contestee both being present, and the contestee being also represented by his attorney, Henry Edmund Ravenel, esq.

Given under my hand and official seal this 29th day of November, A. D. 1879, at Charleston, S. C.

[SEAL.]

E. H. HOGARTH,
Notary Public, So. Ca.

Deposition of Rev. A. T. Carr.

In the matter of the contest of E. W. M. Mackey against M. P. O'Conn

STATE OF SOUTH CAROLINA,
Charleston County:

A. T. CARR, a witness of legal age, produced by contestant in rebuttal upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. State your age, residence, and occupation.—Answer. I am 65; reside 54 Radcliffe st., city of Charleston; I am a minister of the gospel.

Question. Of what religious denomination are you a clergyman?—A. The African Methodist Episcopal Church.

Q. What official position do you hold in that church?—A. President elder of what is known as the Charleston district.

Q. How long have you been holding that position?—A. This is a fourth year—three years and nine months.

Q. What portion of the State is embraced within your district?—A. I of Charleston County except the Mount Pleasant district, and nearly of Colleton County.

Q. About how many churches are under your charge in your district?—A. There are about fifty-five, I guess.

Q. About how many in Charleston City?—A. In Charleston City, four.

Q. How many in Charleston County?—A. About twenty-eight, including the four in Charleston City.

Q. Is it true that your church organization is used an instrument for advancement of the interests of the Republican party?—A. It is not, according to my knowledge.

Q. Is it true that the power of the church is used for the purpose of preventing colored men from voting the Democratic ticket?—A. No, sir.

Q. Have you ever taken any part in politics yourself, except to vote?—No, sir.

Q. Have you ever assumed to be the political leader or teacher of your people?—A. I have not.

Q. Have you ever heard of an instance of a colored man being expelled censured by any of the churches under your charge because he had ed the Democratic ticket or had acted with that party?—A. No, sir; by any of my churches. In fact, I never heard of anything of the d.

Q. Would it be permitted in any of your churches for a member to be brought up before the church on any such charge?—A. It would not.

Q. Have you ever heard of a member being brought before the church any such charge?—A. No, sir; I have not.

All of the foregoing testimony objected to by counsell for contestee not in reply.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Have you not heard of instances of abuse of colored people on account of Democratic tendencies?—A. I have heard a great many things, seen things in print, but don't know the truth of them.

Q. Things of that kind happen without your knowing it?—A. They not in my field of work.

Q. What position do you hold?—A. Presiding elder of the A. M. E. ch.

Q. Your duties require you to pass from place to place pretty nearly the time?—A. Yes, sir; I know of no church action brought against one on account of politics.

Q. If there was any church action you would probably hear of it?—Yes; but I never heard of any.

Q. Might it not happen among the people without it being brought before the church, or without coming under your observation?—A. ings might happen among the people without coming to my knowledge, but any action by a church would. No report of any such thing ever come to me from any of the churches.

Q. Have you not heard of politics being preached from the altar?—I have heard such things asserted, but I do not know the truth of n. I have heard remarks, and seen statements in the newspapers, I cannot certify to the truth of them.

Q. You can neither testify as to the truth or untruth of such statements?—A. No, sir, not in regard to ostracism; but as far as the administration of the church goes, there never was a case of the kind before the churches for their action.

Q. You pretend to say that there never has been anything of the kind in the churches outside of your jurisdiction?—A. No, sir.

Q. Is there not a very strong and bitter party feeling among the colored inhabitants of this county outside the city?—A. Not that I have been sufficiently informed to make any statement in regard to that. My ministerial duties are very heavy, and keep me constantly employed, taking up my entire time. Of course my administration would review church action, and there was nothing of that kind brought up in the churches.

Deposition of James Green.

In the matter of the contest of E.W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

JAMES GREEN, a witness of legal age, introduced by contestant in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. State your age, residence, and occupation?—Answer. My age is 33; residence, city of Charleston; occupation, longshoreman.

Q. Are you the president of the Longshoremen's Association of the city?—A. Yes, sir.

Q. What is the strength of that association?—A. It has 900 members.

Q. How long have you been president?—A. It will be four years in January.

Q. Previous to your election as president, were you not connected with it as a member?—A. Yes, sir.

Q. For how many years?—A. Ever since it was first organized in 1869.

Q. Have you ever known of an instance in your association of a colored man being expelled or censured because he voted a Democratic ticket or acted with the Democratic party?—A. No, sir.

Q. Would one member of the association be allowed to prefer charges of that character against another member?—A. No, sir; political and religious discussions are not allowed in that organization.

Q. Are there any colored Democrats members of that association?—

A. There may be; I don't know.

Q. If a member of that association had voted the Democratic ticket, would he have been expelled or censured for it?—A. No, sir; they would not have allowed the question to be raised. Religious and political discussions are strictly prohibited.

(To all of the foregoing testimony counsel for contestee objects, upon the ground that it is not in reply.)

Deposition of H. L. Bell.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

H. L. BELL, a witness of legal age, produced by contestant in rebuttal, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. State your age, residence and occupation.—Answer. I am 42, live in the city of Charleston, and my occupation is that of a bricklayer.

- Q. Are you connected with any colored organizations, associations, societies?—A. Yes, sir; some three or four.
 Q. State the names of them.—A. I am captain of the Randolph Riflemen, a military organization, and worshipful master of a Masonic lodge, I an officer of the Grand Lodge of Masons.
 Q. Do you belong to any social organizations?—A. No, sir.
 Q. In any of the organizations with which you are connected, have I ever known of any colored man being censured or expelled for voting the Democratic ticket?—A. No, sir; not that I know of. The president of a colored Democratic club belongs to my company—Stephen Haynes.
 Q. Is there any difference in the treatment of Stephen Haynes by the members of your company on account of his politics?—A. No, sir.
 Q. Is not the Stephen Haynes you refer to the same Stephen Haynes who is president of the colored Democratic club of ward 4?—A. Yes,

Testimony of this witness objected to by counsel for contestee as not (replay.)

Cross-examination by H. E. RAVENEL, counsel for contestee.

- Q. To what race do you belong?—A. What would you suppose?
 Q. I don't know; I am asking you.—A. I am of Indian descent, both my mother's and father's side.
 Q. You are identified now with the colored race?—A. I don't know but I am identified with the colored race any more than I am with the white race.
 Q. Who are your associates?—A. Any body who chooses to associate with me, whether they are white or colored, I associate with. I am in colored organizations, though.
 Q. Are you a Republican?—A. I so claim to be.
 Q. Have you ever heard of instances of colored men being abused for voting the Democratic ticket?—A. Not in my presence. I am very little in political affairs. I never heard of any body being abused for voting as they pleased. I vote as I please and nobody ever tried to control my vote. I claim to be a free-thinking Republican, to do just as I please. If I choose to vote for the Democrats or Republicans nobody has any thing to do with it.
 Q. You claim to be of Indian descent and not identified with either white or black?—A. I don't know. I don't think so. That is more than I am willing to say. I suppose they will identify me with the colored race.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Charleston County:

E. H. Hogarth, a notary public in and for the State of South Carolina, do hereby certify that the foregoing depositions of Rev. A. T. Orr, James Green, and H. L. Bell, were taken by me pursuant to notice of contestant, and in accordance with the provisions of law, at Charleston, county and State aforesaid, this 3d day of December, A. D. 1879, the contestant being present in person, and the contestee being represented by his attorney, Henry Edmund Ravenel, esq.
 Given under my hand and official seal this 3d day of December, A. D. 1879, at Charleston, South Carolina.

[LEAL.]

E. H. HOGARTH,
Notary Public, So. Ca.

Deposition of Cephas Lewis.

the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

CEPHAS LEWIS, a witness of legal age, produced by contestant in ~~the~~, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant.

Question. What is your age?—Answer. I was born Dec. 15, 1842.

Q. Where do you reside?—A. Christ Church Parish, at Mt. Pleasant.

Q. Where did you vote at the last general election?—A. At Mt. Pleasant.

Q. What ticket did you vote?—A. The Democratic ticket.

Q. For whom did you vote for Congress?—A. Mr. M. P. O'Connor.

Q. Did you work for the Democratic party on the day of election?—A. I did.

Q. From what you observed during the day can you say whether it is true or not that a majority of the colored people in Christ Church Parish voted the Democratic ticket?—A. I cannot say that it is true, because I was a member of the Democratic executive committee of Christ Church Parish, and I was one of the rallying committee on election day, and I had a number of tickets to distribute, and I found a great deal of trouble in issuing my tickets. Every colored man I went to had a Republican ticket, and they wouldn't accept a Democratic ticket from me because they had a Republican ticket.

Q. How many colored men, according to your observations, voted the Democratic ticket at Mt. Pleasant?—A. Most of the caucuses of the Democrats were held at my house, and, according to my judgment, there were not more than twenty or twenty-five colored men who voted the Democratic ticket.

Q. How long have you been a Democrat?—A. I became a Democrat the first year Chamberlain and Hampton ran. Mr. Kerrison is the man I first worked with in the Democratic party. The first year I worked with Mr. Kerrison, and the last year with Mr. Walker.

Q. Have you openly avowed yourself a Democrat?—A. Yes, sir; and all the caucuses were held in my house.

Q. Have the other colored people ostracized you for having voted the Democratic ticket?—A. Not a bit.

Q. In voting the Democratic ticket, either in 1876 or '78, did you have to conceal it from the other colored people?—A. No, sir; I voted open ticket. I always carried a bundle of tickets in my hand.

Q. Did the other colored men who voted the Democratic ticket have to vote secretly for fear of being ostracized?—A. No.

Q. Do you think that if a large number of the colored people in Christ Church Parish had voted the Democratic ticket they would now be afraid to acknowledge it, and swear that they had voted the Republican ticket?—A. No, sir; they would not.

Q. Is there any cause why they should be afraid to admit it?—A. No, sir; not a bit; for it is understood by the colored people over that every man does as he pleases.

Q. Do you know of any other colored Democrats besides yours?—A. Yes, sir.

Q. Do you know Clarence Brown?—A. Yes, sir.

Q. Do you know William Stewart?—A. Yes, sir.

Q. Are they not both colored men, and avowed Democrats?—A. Yes, sir; and Stewart sometimes preaches at the Four Mile Church, which has a congregation of nearly five hundred members.

Q. Have they turned him out of his church for being a Democrat?—A. No, sir; he is an exhorter there now.

Q. Have you ever heard of his being ill treated by the other colored people?—A. No, sir; he travels that road at all times.

Q. Has he always proclaimed his Democracy?—A. Yes, sir; he says no one interferes with him. He says he is the only colored Democrat in that part of Christ Church.

Q. Is it true that while a colored man can call himself a Democrat inside the village of Mt. Pleasant, he cannot do so outside the village?—A. No, sir; he can do so out or in the village.

Q. Were you engaged in distributing Democratic tickets on the day of election at Mt. Pleasant?—A. I was.

Q. Are you a member of any church?—A. No, sir.

Q. Do you attend any?—A. I go to church every Sunday.

Q. Have you ever heard of a colored man being expelled from a church or being a Democrat?—A. No, sir.

Q. Are you a member of any colored associations?—A. Yes, sir.

Q. Have you been expelled from any of them because you were a Democrat?—A. No, sir.

Q. Did you participate in the Democratic primary which preceded the general election?—A. Yes, sir; I did. I voted at that election about seventy-five tickets.

Q. Do you mean that you voted that number of tickets yourself?—A. No, sir; I mean I voted seventy-five men to beat Mr. Hall.

Q. You were advocating Mr. Walker for the legislature?—A. Yes, sir; and I voted at least seventy-five men for him.

Q. Were all the men who voted at that election Democrats?—A. No, sir; there were some that were not. We wanted to nominate Mr. Walker.

Q. You allowed anybody to vote who wanted to?—A. We allowed any one to vote who could get in.

Q. Did not some of those men who voted at that election afterwards vote the Republican ticket at the general election?—A. Yes, sir; they did.

Q. Do you remember anything about the difficulty that occurred on Mt. Pleasant wharf the day after the election of 1876 when one Frederick Wilson was assaulted?—A. Yes, sir; I remember the whole circumstance. I was right there.

Q. Was Wilson assaulted because he was a Democrat or was it entirely a personal difficulty?—A. No Democracy about it.

Q. State the circumstances.—A. Fred Wilson is a bitter Democrat. He tells the colored women that when the Democrats get into power they cannot wear veils and hoop-skirts, and he told Henry Simmons' wife the same thing. She took him up, and he cursed her shamefully. He reported to Henry Simmons what Wilson cursed her. Simmons was running on the ferry-boat. On the morning after the election, when the boat reached the wharf, he jumped on the wharf and asked Wilson if he had cursed his wife. He said she had abused him. Simmons then beat him. It was a personal matter. The election was all over.

Q. Where is Henry Simmons now?—A. On Mt. Pleasant.

Q. Does Fred Wilson live there also?—A. Yes, sir.

Q. Is not Fred Wilson still a Democrat?—A. Still a Democ is now foreman for Mr. William M. Hale.

Q. Have you seen him very recently?—A. I saw him there y evening.

Q. Did you see him at Mt. Pleasant when Mr. O'Connor was ing his witnesses, or rather when Mr. Walker was examining M nor's witnesses?—A. Yes, sir; every day. I saw him yesterd ing.

Q. Do you know Dr. D. R. Williams, of Mt. Pleasant?—A. I

Q. Is he not a man of very strong party prejudices?—A. I be

Q. Have you ever heard a rumor current amongst the colore about certain things he said?

(Question objected to by contestee as utterly irrelevant and ne sible under any rule of law, nor is it in reply, and if the design peach the credibility of the witness, D. R. Williams, there are questions which should be by law propounded, to which the signing to impeach a witness is confined.)

In reply, contestant states that his object is not to prove tha R. Williams cannot be believed on oath, but simply to show th a man of such bitter prejudices that his testimony in regard to t bility of negro testimouy is valueless.)

A. Yes, sir; I heard the colored people in general say they employ him as a doctor, because he always told them the first ever had a chance to give them a dose of medicine that woul last of them.

Q. Is he not regarded as what is termed a "negro hater"?— sir; the colored people don't like him. I, myself, like him; but ple in general don't like him.

Q. Do you know Mr. J. H. Fell?—A. Yes, sir.

Q. What is his standing among the white people over there? is not well thought of.

Q. Is he engaged in planting?—A. No, sir.

Q. Has he any business?—A. Not that I know of.

Cross-examination by H. E. RAVENEL, counsel for contes

Q. You stated that on the morning of the general election you were acting as a Democratic rallyer?—A. I was.

Q. Did you rally a good many voters?—A. I voted about t not more.

Q. When you offered Democratic tickets to the negroes, did a number of them abused you?—A. They said, "Go to the devil want that ticket; you are a Democrat." I said, "I have a right to ticket to you whether you vote it or not."

Q. The Republican negroes cursed openly?—A. They said, "C devil; I will get my ticket from Summersill."

Q. Are you a particular friend of Clarence Brown?—A. Yes

Q. How did you come to be drawn into such particular friend A. Politics didn't make us friends; we were friends before I w politics. He was a Mt. Pleasant man, and I was raised in Cl County. After the war I went over to Mt. Pleasant and became ac with him.

Q. Did not quite a number of negroes at Mt. Pleasant vote judgment, the Democratic ticket?—A. When the Democrats firs a club, I suppose about thirty colored men joined in Christ Chu when the day of election came you could not find them.

Q. Were those ten you voted outside of that club?—A. On

nd they belonged right to the town. The most of them were in my home all night.

Q. They were in your home nearly all night?—A. Yes, sir; the night previous to the election.

Q. Were there any other Democratic rallyers out besides yourself?—A. Yes, sir; four or five; William Wilson and several others.

Q. You yourself voted ten men?—A. Yes, sir; I am satisfied I voted ten men that day.

Q. You don't know how many others voted the Democratic ticket but you didn't see vote?—A. No, sir; I am not prepared to say.

Q. Have you heard that a number of colored people voted the Democratic ticket?—A. I heard that after the votes were counted. I never heard that they voted it, but I heard how the votes stood after they were counted.

Q. You don't know that that is not the way they stood?—A. No, sir; don't know.

Q. Do you know Mr. Venning?—A. Yes, sir.

Q. Do you know Mr. Muirhead?—A. Yes, sir.

Q. Do you know Mr. Fell, the other manager?—A. Yes, sir.

Q. Do you accuse them of making a false return of those votes?—A. No, sir; because I was not there. That afternoon when the poll closed was so disgusted I went home and went to bed. I didn't see any of the count at all.

Q. Don't you think these gentlemen would make a fair return?—A. Certainly; I have a right to say they would; I know nothing wrong about them.

Q. Would you believe these gentlemen on their oaths?—A. When we come to that, I would not have any more right to believe them than they would have to believe us.

Q. Have you any reason for not giving credence to the oaths of these gentlemen?—A. Not these gentlemen particularly, but those who don't believe us, I don't believe them.

Q. You mean to say then that some certain gentlemen of Mt. Pleasant have testified that the evidence of negroes in general is not to be considered reliable, therefore you think, as a colored man, you have the right to use equally as uncomplimentary terms in regard to the evidence of these gentlemen?—A. Certainly; I think I have that right. I believe I am honest. I voted for that gentleman in front of me—Mr. Connor.

Q. You are testifying then generally?—A. Yes, sir; generally.

Q. And you withdraw your assertion which you inadvertently made at now that you would discard the evidence of the managers and their ilk?—A. Of course not. I think they were all right. I have no right in the world to discard these gentlemen's opinions.

Q. You mean to say on general principles you would believe a negro as his word as quick as a white man?—A. Yes, sir, I would.

Q. You are a black man?—A. Yes, sir.

Cross-examination continued by M. P. O'CONNOR, contestee:

Q. Did you ever hear of any person dying suspiciously from the treatment of Dr. Williams?—A. No, sir.

Q. Did you ever hear of any colored person who died from malpractice while attended by him?—A. No, sir.

Q. Do you believe that there is any ground for any such malevolent as you say exists in the minds of the colored people that Dr. Wil-

liams could be capable of administering medicine to a colored person with the idea of poisoning them!—A. I couldn't say there was, but I have heard them say so.

Q. Did he ever attend you?—A. No, sir; he never did. Dr. Toomer is my physician.

Q. Would you submit yourself to Dr. Williams' treatment?—A. Yes, sir, I would, because he and I have always been friendly.

Q. Have you ever heard any person who has been under his treatment as a physician make an assertion such as you say prevails amongst the colored people?—A. Yes, sir; I have heard them say they never would send for him any more.

Q. Persons who had been under his treatment?—A. Yes, sir.

Q. Are these persons now in good health?—A. Yes, sir.

Q. Were any of them in bad health when they made that charge?—A. Yes, sir.

Q. What afflicted them?—A. I don't remember.

Q. Are all these persons from whom you heard these malicious statements against Dr. Williams still living?—A. Yes, sir.

Q. How many colored people have you ever heard express themselves in this malicious way about Dr. Williams—colored people that he has attended?—A. At least thirty, who said they wouldn't send for him again.

Q. Can you name them?—A. I cannot name all now.

Q. Please name some of them.—A. Rebecca Venning, Mary McNeil, Isaac Harris, Simon Manigault, and Peter Williams.

Q. When did you hear these people say so?—A. I heard it a good while ago.

Q. When did you hear these parties make use of these slurs about Dr. Williams?—A. Some time back.

Q. Are all these people Republicans?—A. Yes, sir.

Q. And the doctor is a very strong Democrat?—A. Yes, sir; he is.

Q. Don't you believe they uttered these remarks on account of his being a fire-eating Democrat?—A. I don't think politics had anything to do with it. It was from the way he treats people. If a colored person sends for Dr. Williams and hasn't got a dollar to pay him he won't go. If they should send a child to the doctor, he tells the child to go to hell.

Q. Did he ever kill anybody?—A. No, sir; he makes out he is the lord of Mt. Pleasant.

Q. Are the objections to him based upon malpractice?—A. He makes out that there is no objection to him.

Q. Do not these objections of which you have spoken arise not on account of any malpractice of Dr. Williams as a physician, but on account of his expressions, which are hurtful to the negro?—A. That is it exactly.

Q. You don't mean to say that anybody has suffered death by his treatment?—A. No, sir.

Q. Or he ever gave anybody poison?—A. No, sir.

Q. Or that he didn't act towards a black patient the same as he did towards a white patient?—A. No, sir.

Q. You don't mean to say that he has ever treated a patient with any other object but to benefit the patient?—A. No, sir; he don't care any more for a white man than he does for a colored one when you owe him money.

Q. Does he speak openly about it?—A. He told me so to my face; I

an tell you words he told me about white people, and I believe if he speaks about one he will speak about another.

Q. Have you been in conference with any one since the examination of the witnesses on Mr. O'Connor's side at the village the other day?—
A. No, sir.

Q. After those witnesses testified did you make up your mind to come here and testify?—A. I did.

Q. To testify against these witnesses on your side?—A. Oh, no; I came here to testify the truth.

Q. Did you hear the testimony at Mt. Pleasant?—A. I heard one or two.

Q. Did you hear the testimony on Mr. Mackey's side?—A. I heard one or two; I didn't hear the greater portion of either side.

Q. Would you believe them on their oaths?—A. Yes, sir; a great many were ignorant of some of the questions that were asked them, but when I saw men that claimed to be intelligent men, like Dr. Williams' son, on the cross-examination made such blunders, I concluded there was very little sense shown on either side.

Q. There has been a great deal of blundering in Mt. Pleasant?—A. Yes, sir.

Q. On both sides?—A. Yes, sir.

In reply by E. W. M. MACKEY, contestant:

Q. When you say there was a great deal of blundering, do you mean to be inferred that some of the persons who swore as to how they voted might have made a blunder as to how they did actually vote?—
A. They must know how they voted.

Q. You mean then their blundering was in regard to matters about which they knew nothing?—A. Yes, sir.

Q. In geography, history, &c.?—A. Yes, sir.

Q. In giving your testimony have you been actuated in any way by sentiment against Dr. Williams and others because of their testimony against the character of the colored people?—A. No; I am simply telling what I know to be true, without any feeling against any one.

Q. Were there as many colored Democrats in 1878 as there were in 1876?—A. No, sir; there were not.

Q. From whom did most of the colored people get their tickets on the day of election?—A. From Anthony Summersill.

Recross-examination by M. P. O'CONNOR, contestee:

Q. Do you believe that all of these ignorant colored people who swore they voted the Republican ticket did vote it?—A. I believe so.

Q. You don't think they could have been testifying falsely?—A. No, sir.

Q. You are satisfied of that?—A. I am satisfied of that; they got their tickets from a man that they knew, and when he gave them their tickets you could not make them change them; they would not take a ticket from a man they did not know.

Q. Did they get their tickets at Mt. Pleasant?—A. They got them at Mt. Pleasant; Summersill staid at the poll and there was another man up the road.

Q. They undoubtedly got their tickets at Mt. Pleasant?—A. Yes, sir.

Deposition of J. J. Lesesne.

In the matter of the contest of E. W. M. Mackey; against M. P. O'C

STATE OF SOUTH CAROLINA,
Charleston County:

J. J. LESESNE, a witness of legal age, produced by contestant
buttal upon due notice to contestee, deposes as follows in refer
questions propounded by the contestant :

Q. Have you not already testified in this cause that yo
at Mt. Pleasant poll on the day of the last general election ?—A
Yes, sir ; I was there.

Q. Is it true that at the close of the poll, about dark, a boat wi
white men came over from the city of Charleston, and when t
landed they called you off and had a talk with you ?—A. No, sir
not true.

Q. If Dr. Williams or any one else has so testified, is it true or
—A. It is false.

Q. Is there any foundation for such a story ?—A. None whate
my knowledge.

Q. Are you positively certain that four men from the city of C
ton called you and other colored Republicans off from the poll son
in the evening and whispered among you ?—A. Not a word of it
to my knowledge.

Q. Are you a member of any colored society or organization ?
am a member of a military organization and of an Odd-Fellows'

Q. Of what military organization are you a member ?—A. T
tucks Light Infantry, Co. A, National Guards.

Q. Have you ever known of a man in that organization being ce
or expelled for voting the Democratic ticket ?—A. No, sir ; the
member of our company who has always openly claimed to be a
crat.

Q. Has he ever been ostracized by the other members on t
count ?—A. No, sir ; he is treated just the same as other membe
has held important positions on committees, &c.

Q. In your military company would one member be allowed to
as an offence against another the fact that such member had vo
Democratic ticket ?—A. No, sir ; nothing like that would be alle

Q. Do you attend any colored church in the city of Charlesto
Yes, sir.

Q. Have you ever heard politics preached in the church you
or in any of the other colored churches in Charleston ?—A. No
never have.

Q. Is it true that the colored preachers in this community are re
as the political leaders of the colored people ?—A. No, sir ; not
knowledge.

Q. Is it true that a colored man cannot vote the Democratic ti
be a Democrat without being ostracized by the other colored me
I believe every colored man votes as he pleases. I never knew
being interfered with because he voted the Democratic ticket.

Q. To what political party do the great masses of the colored
belong ?—A. To the Republican party.

Q. From what you observed during the day of election at Mt
ant as to how the people were voting, is it true that a majority
colored people at that poll voted the Democratic ticket ?—A. Ne

is satisfied that the Republicans carried the election by a large majority from the way the Republican votes were being polled. I was never more surprised when the votes were counted to find so many tissue ballots in the box. I am satisfied they could not have been voted by the Republicans, because the Republicans had but one straight ticket. (Testimony of witness objected to by counsel for contestee as not in order, on the ground that it is a part of the original case of contestant. In reply contestant submits that the evidence of this witness is strictly rebuttal of the evidence of certain witnesses produced by contestee, viz, Dr. Williams and others.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. In what capacity were you at Mt. Pleasant on the day of the last election?—A. As a spectator.

Q. Do you live at Mt. Pleasant?—A. No, sir.

Q. What induced you then to go over there?—A. I went over there to witness the election.

Q. Are you a staunch Republican?—A. I have always been a Republican and I am now.

Q. Where were you mostly on the day of the election?—A. At the wharf.

Q. Were you in sight of the whole coast over at Mt. Pleasant which could have furnished a convenient landing place for boats?—A. I was in full view of the wharf.

Q. You could not see the creek, at which a good many of the boats landed, around in the rear of Mt. Pleasant?—A. I could see the mouth of the creek from where I was.

Q. About how far from your position was the mouth of that creek?—A. I don't know exactly, but a good way off. It is a very large creek.

Q. One, then, would not be able to tell particularly who was in any boat entering that creek, at that distance?—A. No, scarcely.

Q. You were not keeping a particular lookout for boats?—A. No, sir.

Q. Is it not very possible that a boat may have arrived without your observing it?—A. A small boat?

Q. Yes.—A. It may have at the head of the wharf.

Q. Are there not a number of boats that go to and fro from Mt. Pleasant?—A. I don't know about that.

Q. Is not Mt. Pleasant a place of a considerable number of inhabitants a good size village?—A. Yes, sir; a tolerably good size village.

Q. Were there any other persons at Mt. Pleasant from Charleston on that day that you knew?—A. R. C. Browne was over there.

Q. Do you suppose there might have been some others there or not, either whites or blacks?—A. I don't recollect any colored man from the city being there, except Brown and myself.

Q. Were there any whites from the city there?—A. I don't know. Some came over when the ferry-boat came, but I don't know whether they lived at Mt. Pleasant, or where. I was not acquainted with them.

Q. You cannot say that no small boat with four men in it did not land here?—A. I didn't see any.

Q. You mean to say then only that you didn't see any?—A. I didn't see it.

Q. It might have arrived without your seeing it?—A. I didn't look particularly to see any.

Q. All that you mean to say is that no white man who arrived from the city in a small boat came to you?—A. I didn't see any come in a small boat, and none came to me whether they came in a small boat or not.

Q. Did you hold conversations with other Republicans on that day?—A. I spoke generally with both Republicans and Democrats on that day. I spoke very frequently with Mr. George Walker.

Q. You had your usual little party consultations?—A. I didn't think it was necessary for me to have any consultations, because all the colored men were voting the straight Republican ticket, as far as I could observe. I was among them all day, paying particular attention to their voting.

Q. You were among the Republicans all day, paying particular attention to their voting?—A. I was among Republicans and Democrat both.

Q. You paid particular attention to their voting?—A. I paid particular attention to their voting.

Q. Did you see every vote put in that ballot-box that day?—A. I couldn't see every vote.

Q. Then there were some votes you didn't see?—A. Of course I didn't see all the votes put in the box, but all the colored men that I saw vot put in a Republican ticket.

Q. When you say you are satisfied that a majority of the colored people didn't vote the Democratic ticket, you don't mean to say that som of them might not have done so without your knowing it?—A. I don't know that I saw any colored man at all vote the Democratic ticket.

Q. You didn't see any colored man at all vote the Democratic ticket?—A. No, sir. I saw two with Democratic tickets in their hands, but didn't see them deposit them.

Deposition of James Collins.

In the matter of the contest of E. W. M. Mackey against M. P. O'Conne

STATE OF SOUTH CAROLINA,
Charleston County:

JAMES COLLINS, a witness of legal age, produced by the contestant in rebuttal, upon due notice to contestee, deposes as follows in regard to questions propounded by the contestant:

Question. Where do you live?—Answer. In Christ Church Parish three miles from Mt. Pleasant.

Q. Did you vote the Democratic ticket in 1876?—A. Yes, sir.

Q. Did you act openly with the Democrats?—A. Yes, sir; openly I am very truthful in my persuasion of what I am doing.

Q. In 1878 with what party did you act?—A. The Republican party

Q. When you were a Democrat did the other colored people refuse to associate with you or ill treat you on that account?—A. No, sir; I lived amongst them. I went all about them and they all came about me. We met all times of night on the road. Never once touched by one

Q. Were you ever ill treated by the other colored people because you voted the Democratic ticket?—A. Never was.

Q. Were you never turned out of the church?—A. No, sir; I still belong to the church.

Q. Is it true that a colored man in Christ Church Parish cannot vote the Democrat ticket without the other colored people troubling him?—A. No, sir.

Q. Were there as many colored Democrats in the last election as there were in 1876?—A. No sir.

Q. Is it true that you could not vote with safety the Democratic ticket in 1876?—A. No, sir; every man used his own opinion.

Q. Why did you leave the Democrats and return to the Republicans?—A. I will tell you, but I don't say when I left the Democratic party that had anything against them. There are a great many Democrats that are truthful, but there are some that are untruthful and men that won't stand to their word. What I left the Democrat party for was, when Hampton was elected governor, I came to town and went into a store and called for a decent suit of clothes. I asked the man for a suit of skin and he brought down a slop suit. I told him I didn't want any up goods and he grabbed and dragged me out into the street. About at time a half dozen pistols were cocked upon me. I hollowed out I was a Democrat and had voted for Hampton. One of the men said you was a fool for voting for Hampton. The store is on King st. I thought I was a fool for voting for Hampton, I wouldn't vote for any more Democrats.

Q. They seemed to think then that because Hampton was governor they could beat you?—A. Yes, sir; they believed that they could do as they pleased.

Cross-examination by M. P. O'CONNOR, contestee:

Q. Are you a colored man?—A. Yes, sir; I am what is called a negro.

Q. Born in this country?—A. Yes, sir; born in Florida and raised in Christ Church Parish.

Q. Do you know how to read?—A. No, sir.

Q. Whom did you vote for President in the last election?—A. We didn't vote for any President.

Q. For whom did you vote for governor?—A. I don't know. I voted for a Republican ticket.

Q. Who is President of the United States?—A. Hayes and Wheeler.

Q. Who is governor of the State?—A. Simpson.

Q. When did you hear Simpson was governor?—A. At the last election I heard he was governor.

Q. When did you hear Hayes and Wheeler were President of the United States?—A. The election before. I voted for them I think.

Q. Where did you vote at the last election?—A. In the city.

Q. Do you live in Christ Church Parish?—A. Yes, sir; I done a little business here, and came here to vote.

Q. How many times did you vote?—A. One time.

Q. You are sure of that?—A. Yes, sir; one Republican vote I put in a box.

Q. What time did you leave Christ Church?—A. I am living there now. I had a boat, and was selling wood.

Q. You say you were a Democrat in 1876?—A. Yes, sir.

Q. Who was chairman of the Democratic party in Christ Church at that time?—A. Mr. Kerrison.

Q. Did you get any money from him to run the campaign?—A. No, I was a man that was very successful. I went up to the hall, and I was going to support the Democratic ticket on my own account.

Q. How many Democrats do you associate with?—A. All white and colored Democrats.

Q. What are their names?—A. There is Mr. Cephas Lewis, Mr. Williams, Wm. Stewart. They are good friends of mine, and they are Democrats.

Q. Are they all influential men?—A. Yes, sir.

Q. Have they got great influence in the parish?—A. I don't know about that.

Q. Have they as much influence as you?—A. I have not much influence myself.

Q. Who are the white Democrats you associate with?—A. I associate with all. They come along and ask Collins for a load of wood.

Q. What is the obligation of an oath?—A. I don't think a man has a right to take an oath before man and God and tell a lie.

Q. Have you ever been convicted of any offence?—A. No, sir; how do you mean?

Q. Either for larceny, assault and battery, or any other offence?—A. Here is a man that never was convicted, or never was tried before an court. No, sir.

Q. Never condemned?—A. No, sir; never condemned before the bar since I was born. I never was in any difficulty in my life.

Q. Did you take any part in the last election—in 1878?—A. I had nothing to do with it but to put in my Republican vote.

Q. Before the election of 1878 were you a Republican?—A. Yes, sir I was a Republican before then.

Q. The only time you were a Democrat was in the election of 1876?—A.

A. Yes, sir. I went along with the Green movement. I was then what you call an Independent Republican.

Q. Who was this man who wanted to give you "slop goods" instead of a doeskin suit?—A. I don't know his name; when I went to buy this doeskin he was on King st.

Q. What was the number?—A. I don't know the number.

Q. Do you know his name?—A. No, sir; but I know his face.

Q. Did you go to any trial justice?—A. After what he said I didn't think there was any use to go to any.

Q. Have you suffered any injury from the Hampton government?—A. No, sir; I never have.

Q. Have you had just as easy time as you had before?—A. No, sir a hard time I've got now.

Q. Harder now than before?—A. Harder in living.

Q. You cannot make your money as easy as you did in Republican times?—A. I will tell you. In Mt. Pleasant there are some very truthful people, and then again some are not to be depended upon. I am planter, and I furnish them all with wood; when they want my wood they say, "What you ask for your wood?" I say so much; when throw it in their yard they say so much.

Q. Who treated you in that way?—A. I am unprepared to give name now; there are men there who want to give me their price; I could give them out name by name.

Q. Is that all the injury you received since Hampton was governor?—A. No, sir.

Q. Have you ever been to any convention?—A. No, sir.

Q. Who were these men who drew their pistols on you when you had that row?—A. That was in the street; I don't know who they were. One of them said, "Turn him loose; Hampton is governor now;" I say I voted for Hampton; the man that knocked me said I was a damn fool for voting for Hampton; the one that knocked me was the one the store; I can go and carry you to the place now.

Deposition of W. R. Marshall.

ter of the contest of E. W. M. Mackey against M. P. O'Connor.

SOUTH CAROLINA,
Charleston County:

MARSHALL, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to propounded by the contestant:

. What is your age?—Answer. I am 40.

Where do you reside?—A. City of Charleston.

What is your profession?—A. Lawyer.

Did you at Mt. Pleasant recently?—A. I was.

At what capacity?—A. I was there examining witnesses as attorney for Mackey, the contestant in this cause.

During that examination of witnesses did a colored man who was called to testify commence to prevaricate so much that you told him to stand aside?—A. Not that I remember of; I examined a few men on the first day and a larger number on the two subsequent days. I don't remember to have dismissed any witness because of any statements made in his testimony upon examination.

Do you remember having dismissed any one for prevaricating after he had been called up to testify, and before you had sworn him, or at all?—A. I was furnished with a list of witnesses to be examined at time and place. When parties would present themselves, they were sworn, they would be asked if they had voted at least at the last general election. If they said they had done which I had was then examined for their names, and if their names were found they were sworn. Some persons who presented themselves, upon preliminary questions being propounded to them, said they had voted at Mt. Pleasant, but had voted in the same parish or in New Island—a different precinct. Of course, they were not examined, and in one sense were dismissed; they were then allowed to go.

Has Williams or any other person has testified that when a certain witness was called up to testify, he commenced to prevaricate so that Mr. Marshall told him to stand aside, and did not examine him to determine whether his statement true or not?—A. It is not, to my best recollection.

During examination of the witnesses examined by you, did you, yourself or through any other person, give any witness to understand what they were to testify?—A. No. The persons were all strangers to me, and I was very much embarrassed by that fact—that I did not know them. Owing to the course adopted by contestee and myself, I could not get along with any degree of rapidity, being unfamiliar with their acts. These men being strangers to me, I would have required their names and where they had voted.

Did you pay any of the witnesses who testified on that occasion?—A. No. I did not pay them or promised to pay them.

Did you promise them either pay or mileage?—A. I made them no promises whatever. My interviews with them were strictly professional. During the time named in the notice for examining witnesses, did you see all that were present, or were you in any way prevented from doing so?—A. On the first day a large number of witnesses were present.

present, most of whom I could not examine, from the fact that the cross-examination was so unnecessarily and unusually extended so as to consume time, and each witness occupied about one hour, the direct examination not consuming more than three minutes.

Q. How many witnesses were you enabled to examine on the first day?—A. Nine.

Q. Nine only?—A. Nine only.

Q. How many hours were you engaged in that examination?—A. From half past eight in the morning until half past five in the evening, with an intermission of about three-quarters of an hour for lunch in the middle of the day.

Q. Have you any reasons from anything that occurred to believe that it was the purpose of contestee to consume time and prevent the examination of the witnesses named in the notice?—A. Yes; the attorney for the contestee objected to the proceedings in the beginning as being irregular, and in a quiet way gave me to understand that their object was to throw every obstacle they could in my way. They said they had been sent to that place for that purpose, and no matter what I did I could not prevent them, and character of the questions propounded to the witnesses clearly indicated that their purpose was to obstruct the examination of the witnesses, in this, that many irrelevant questions were asked, and repeated in different forms; time was also consumed in noting objections, delay in asking questions—often three minutes would elapse between the questions—and other things that have escaped me just now, all going to show that the purpose was to deter the examination.

Q. Was any subsequent arrangement made in regard to the examination of witnesses?—A. There was; the contestee, Mr. O'Connor, about noon on the second day, informed that by an agreement with the contestant, who was then taking testimony at the Four-mile Church, that thirty-five witnesses were to be examined each day, that is, the present day to be excluded as one of them; that is to say, seventy additional witnesses were to be examined on the two days where I was.

Q. After that arrangement between the contestant and contestee did not the cross-examination of the witnesses differ materially from what they had been on the first day?—A. Very materially; not exceeding ten minutes was consumed in the examination of any witness that I now remember; there might have been one exceptional case. Our great difficulty was that the witnesses, being ignorant of the arrangement, were not present, and therefore we could not examine thirty-five on the second day, because the witnesses were not there.

Q. In addition to those named in the notice, did you take the affidavit or statements of the others as to how they voted?—A. I did; and that is with the understanding that I received from Mr. O'Connor, that thirty-five each day were allowed to be examined. Certain persons came to me and said that they had voted at that precinct, whose names I did not find on my list, and I took their depositions, believing they had mistaken the place, and that their names were on some other list, and that they would be included in the thirty-five; otherwise I would not have taken these persons' depositions if I did not think they would have been included in the thirty-five a day that was agreed upon.

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Were all these men you examined strangers to you?—A. Yes, sir.

Q. Could you identify all of the witnesses you examined over there, or on that occasion?—A. I could at the time. I would be able to recog-

the face of the witness I had already examined, and I could have recognized a man if he presented himself to me to be examined the second time, but being presented to me now I could not identify the man.

Q. If they had been examined at the Ten-mile House, or at the Four-mile Church, and had come to you for a second or third examination, I could not have known whether they were examined before or not.—A. No; not if their names were on my list. I would have examined them, presuming that they had not been previously examined.

Q. Who was the counsel for Mr. O'Connor at Mt. Pleasant?—A. On the first morning, Wednesday, when the examination began, Mr. Walker appeared; upon the arrival of the boat from the city, Mr. O'Connor and Mr. Chisolm joined him; Mr. Walker then left, leaving Mr. O'Connor and Mr. Chisolm there; Mr. O'Connor and Mr. Chisolm attended in the cross-examination of the witnesses during that day; Mr. Chisolm turned to the city in the afternoon, leaving, I think, Mr. O'Connor at Mt. Pleasant. That is the first day.

Q. Who was there the second day?—A. Mr. E. A. Marshall was the attorney, assisted by Mr. Snowden Yates. Mr. Marshall and Mr. Yates examined the witnesses; they both alternated until Mr. O'Connor turned from somewhere about twelve o'clock, and then informed me of the agreement with Mr. Mackey.

Q. During how many hours on that second day did Mr. Marshall act attorney for Mr. O'Connor?—A. My impression is that he acted up to the arrival of Mr. O'Connor. I am inclined to think Mr. O'Connor conducted the examination after that, and that on Friday Mr. Marshall disappeared and Mr. O'Connor acted.

Q. I want to know for how many hours he was acting there?—A. For a greater portion of Thursday, until Mr. O'Connor came.

Q. Was it Mr. E. A. Marshall that consumed one hour in the examination of each witness?—A. I am inclined to think Mr. Marshall consumed a little more time than that, prior to the agreement communicated to me by O'Connor, but Mr. Marshall was not present the first day, ten nine hours were consumed in the examination of nine witnesses.

Q. Did Mr. Marshall's cross-examinations go into the ground of the ignorance of the negroes?—A. Yes, sir.

Q. He went pretty considerably into that ground, did he not?—A. He did. His questions were mainly intended, now as I remember, to exhibit the ignorance of the witnesses in matters of history, past and present, political and religious.

Q. Did he exhibit the ignorance of the witnesses in the art of reading?—A. In some instances he did; where the witnesses claim to be able to read most of them succeeded very fairly; but many of the witnesses did not claim to be able to read.

Q. A very large proportion did not claim to be able to read?—A. A very large proportion.

Q. When you say that questions were purposely delayed in the asking by the counsel for contestee, do you mean to say that you were led to look into his mind and know its workings?—A. I don't mean to say that, but I do mean to say that I can infer a cause when I see an effect.

Q. In your experience as a lawyer does it not frequently happen that man has to take some time to think of his questions, especially in cross-examining an unwilling witness?—A. Yes, sir.

Q. Were your witnesses over there apparently well disposed towards Mr. O'Connor?—A. Most of them didn't seem to know him. Many of

them didn't remember ever having heard his name. They therefore presumably could have no dislike to Mr. O'Connor. I remember in one or two instances, when Mr. O'Connor was examining the witnesses himself, that the answer of the witness under examination was amusing in the extreme, because he would be talking to the contestee himself and yet didn't know that it was Mr. O'Connor himself who was examining him.

Q. Did they know of Mr. Mackey?—A. Many of them knew him personally. All of them knew his name and his politics.

Q. They were then very strong supporters of Mr. Mackey?—A. They so avowed themselves.

Q. They were then not supporters of Mr. O'Connor?—A. They said they were not.

Q. And they then seem to think that Mr. Mackey had been elected?—A. They rather seemed to think that they had voted for Mr. Mackey without knowing the positive result.

Q. Those gentlemen, then, who you say consumed unnecessary time in reflecting upon their questions, had to cross-examine witnesses who uniformly declared themselves voters of Mr. Mackey, which of course means opposers of Mr. O'Connor?—A. The witnesses examined were witnesses for Mr. Mackey, the contestant, and were therefore presumably his friends, and persons that knew something favorable to his side. The cross-examinations, like all cross-examinations, were conducted by the opposite side. The consumption of time consisted mainly of the repetition in one form or another of questions substantially the same in form and substance and in irrelevant questions that had no bearing upon the issue at all.

Q. Was the stenographer instructed to report those that were irrelevant?—A. The stenographer reported all questions as they were propounded, and the answer as made.

Q. So that the Committee on Elections can decide on their relevancy or irrelevancy?—A. Exactly so.

Q. Is not the Mr. Marshall who represented Mr. O'Connor a very young man?—A. I am not able to say, but I think he is, for I know his father is not a very old man.

Q. Is Mr. Marshall a very young man in appearance?—A. Yes, sir; he is.

Q. In what capacity were you acting at Mt. Pleasant?—A. As attorney for the contestant.

Q. As attorney for Mr. Mackey?—A. Yes, sir.

Q. Are you assistant district attorney for the United States?—A. Yes, sir.

Cross-examination continued by M. P. O'CONNOR, contestee:

Q. Is not Mr. Mackey also an assistant district attorney of the United States?—A. Yes, sir.

Q. And you both occupy the same office?—A. Different rooms, but the same office.

Q. When Mr. O'Connor arrived on the first day of the examination^o the half past ten o'clock ferry-boat, and took up the examination wh~~e~~^o it was left off by Mr. Walker, was the examination conducted by b~~i~~^o with an evident spirit of delay?—A. It is impossible for me to rememb~~r~~^o now either the specific questions propounded or the specific course p~~u~~^o sued by Mr. O'Connor and the one pursued by Mr. Walker and the o~~p~~^o pursued by Mr. Chisolm, but the general course pursued on the cro~~s~~^o examination, until Mr. O'Connor communicated to me the agree~~m~~^o

Mackey and himself, impressed me with the idea that the object of the cross-examination was delay. You not announce to Mr. O'Connor upon his arrival there use of the first day's examination, that you were going to prowl with lights and stay there without adjournment, until you tested the examination of all the witnesses contained in the . Yes, sir, I did; and that determination was arrived at because of the obstructions thrown in the way of the examination whole day. I thought if I was to be delayed in the way I had planned the day, I would have to continue the examination to a much longer time than on the first day.

Did Mr. O'Connor protest against any such course being unusual in ordinary proceedings?—A. I think you did.

Mr. O'Connor returned from the Four Mile Church from Mackey, did he not say that he was forced to make some arrangements to save the counsel engaged for him from any such exactings as had been given out?—A. He did.

I think the consumption of one hour an unusual length of time consumed in the cross-examination of a witness where the object is to test his intelligence, his veracity, his motive, and his opportunity for information, and also to examine him upon all other facts on a political contest of the character of this?—A. My judgment would be influenced by the character of the questions. If the questions propounded in the cross-examination were of such a character as to bring out material facts, or to illustrate the motives and character of the witness, perhaps, then, one hour would not be too long. There is fixed time for the examination of a witness; he may be tardy and he may himself obstruct the ends sought to be obtained, and not know how to fix the time for the cross-examination of a witness. I don't think it could be fixed. In my judgment any rule that the cross-examination should not be longer than 15 minutes appears to me would be very arbitrary. But when substantial points tend to show that the number of questions, and the character of the questions, and the irrelevancy of the questions, and the delay in asking the questions, and all together, produce in my mind the impression I have given, and until the arrangements announced to me, I was getting very tired and jaded and grateful for the same.

There not on the second and third days, the two last days of a great deal of time lost awaiting the arrival of your own witnesses?—A. As I have previously expressed in my testimony, there was considerable time wasted in waiting for witnesses on the second and third days, resulting from a misapprehension on the part of the contestants, not their unwillingness to attend, some of them having gone to the place at which testimony was being taken.

You not, on the third day, examine 13 witnesses which were named in the notice given by contestant to the contestee to be examined?—A. I did examine some 13 or 14 witnesses between those named in the notice, but whose names were not down on the notice given to me for examination.

The notice given to Mr. O'Connor?—A. Or, as I believe, in writing to Mr. O'Connor.

You not examine those 13 or 14 irregular witnesses in the name of any person representing Mr. O'Connor?—A. I did, but at the place named in the notice, the absence of contestee or any

of his counsel was a matter over which I had no control; but the contestee, on his arrival, explained that as being unavoidable.

Q. Would you not have had witnesses enough contained in the regular notice to take up the time which you consumed in taking the depositions of those 13 or 14 irregular witnesses?—A. There were no witnesses, or very few whose names were on the regular list, who appeared for examination on that morning, so that no time was consumed that might have belonged to regular listed witnesses, and while waiting I examined these witnesses which you call irregular; I did so, as I previously said, because, under the agreement which you announced to me, I thought it was immaterial whether the names of these witnesses were on my particular list, or on some other list to be examined at some other point on that particular day, so long as I did not examine any who was not on any particular list, and in excess of the 35 a day which under the agreement I was allowed to examine, and it was only with that view that I examined them, and they were put in a separate book, in order that Mr. O'Connor might take exceptions if he saw fit.

Q. Did not Mr. O'Connor, in his statement to you of the arrangement between Mr. Mackey and himself, limiting the number of witnesses to be examined, did he not say anything at all about going outside of the notice?—A. No, sir; you did not, there was nothing said about that at all.

Q. The inference that you drew of your right to examine other witnesses than those contained in the notice was one drawn purely out of your own construction of the matter?—A. Yes, sir; I assumed the entire responsibility in examining these 13 or 14 witnesses.

Q. I did not waive my objection when I came!—A. No, sir.

Q. Immediately upon my arrival, I interposed my objection to the same as being irregular?—A. Yes, sir. After being informed by me of what I had done.

Q. Don't you consider the examination of six hundred witnesses in a political contest in a course of three days, before separate notaries or examining commissioners, as a most unusual or extraordinary number of witnesses to be examined in that time?—A. I do; and it must have been the result of unusual and extraordinary circumstances.

In reply by E. W. M. MACKEY, contestant:

Q. From your experience as a lawyer, do you not think that a very large number of witnesses could be examined in the course of a day, when the only object in examining each witness was to elicit from him the fact as to how he voted?—A. Yes, sir; if the witnesses were present and ready for examination.

(To so much of the testimony of this witness as relates to the examination of witnesses at Mt. Pleasant on the part of contestant, contestant, although contending or maintaining that the evidence is strictly in rebuttal of certain testimony of contestee, yet offers to allow contestee to examine in reply thereto any witnesses he may desire during the time of contestant, reserving to himself, however, the right of examining witnesses in rebuttal.)

WARREN R. MARSHALL.

Sworn to and subscribed before me this 25th day of Nov., A. D. 1879.

[SEAL.]

E. H. HOGARTE.
Notary Public, S. C.

Certificate of notary.

TE OF SOUTH CAROLINA,
Charleston County:

E. H. Hogarth, a notary public in and for the State of South Carolina hereby certify that the foregoing depositions of Cephas Lewis, J. Lesesne, James Collins, and W. R. Marshall were taken by me pursuant to notice of contestant and in accordance with the provisions of law, at Charleston, county and State aforesaid, this 25th day of November, A. D. 1879, the contestant being present in person, and the contestants being also present in person and by his attorney, Henry Edmund Euel, esq.

Given under my hand and official seal this 25th day of November, A. D. 1879.

EAL.]

E. H. HOGARTH,
Notary Public, So. Ca.

Deposition of W. J. Murrell.

The matter of the contest of E. W. M. Mackey against M. P. O'Connor.

TE OF SOUTH CAROLINA,
Charleston County:

WILLIAM J. MURRELL, a witness of legal age, produced by contestant in rebuttal, upon the notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. Where do you live?—Answer. Christ Church Parish, Charleston County.
 . Were you present on the day of the last general election at the Pleasant poll?—A. A portion of the day.
 . Were you there in the evening when the votes were being counted?
 . I was.
 . Is it true that when the surplus ballots were being drawn out and you remonstrated with the negroes against their grumbling, and to them, “Mr. Muirhead will do nothing wrong; he is acting right”?—A. I did not.
 . State what occurred in connection with the counting of the votes.
 . When the poll closed at six o'clock—Mr. Fell said it was six o'clock—they took down the barrier and went into the hall. They then set another barrier, and the managers went inside and we stood outside.
 . Mr. George R. Walker asked what was the law in regard to the surplus votes. I told him it was thus and thus. He didn't take my paper. He couldn't find the paper with the law, but afterwards found it and the managers then proceeded to count the votes. Mr. Muirhead took out all the votes and counted them. When they were put back Mr. Venning did the drawing and Mr. Muirhead did the burning. Then came this grumbling among the colored people. I said, “Boys, there is no use to grumble now; we have been cheated out of the election already.” I said to Mr. Venning, “If you are going to burn all the Republican votes, you may as well raise the cover and pull them all out at once.” Mr. Huguenin didn't like that, and said, “That's the way the Republicans did.” I said, “They never did it this way.” I said, “There were over eleven hundred ballots in the box and not more than half that number of registered voters.” Meanwhile Mr. Muirhead got the law read it. The whole night the Republicans were grumbling about

their tickets being burnt. I said, "Boys, keep quiet; they have el us already."

Q. You positively deny, then, that you said Mr. Muirhead was fairly?—A. No, sir; I never did. I did try to keep the men quiet. (The evidence of this witness is objected to by counsel for contestants at this stage of the proceedings on the ground that it is a part original case of contestants.

In reply contestant submits that the evidence of this witness is in rebuttal of the evidence of J. Murray Muirhead, one of contestants.)

Cross-examination by H. E. RAVENEL, counsel for contestants

Q. To what race do you belong?—A. To the African race.

Q. Are you a Republican?—A. I am.

Q. Have you ever held office under the Republican party?—prominent office.

Q. You have held minor offices?—A. Some local position country.

Q. What?—A. Subcommissioner of roads.

Q. Were you ever a manager of election?—A. I have been.

Q. In 1874?—A. I don't remember, but I know I have been manager.

Q. By whom were you appointed subcommissioner of roads? I believe I was appointed when Cunningham, Smith, and Brown county commissioners.

Q. Who appointed you manager of election?—A. I don't know; but I believe one of the commissioners of elections was John A.ington. I forget the names of the other two commissioners. remember what years I was manager of election.

Q. Is it not charged that at that period the Republicans stuff ballot-boxes?—A. It was so said by the Democrats, but it was proven.

Q. Did you witness the distribution of these ballots at Mt. Pleasant at the election of '78?—A. At the last general election?

Q. Yes.—A. I did.

Q. What was done whenever more than one ticket came out together?—A. In the first count?

Q. Yes.—A. When they came out folded together Mr. Muirhead them up and said how many there were and the supervisor made of it.

Q. Whenever two or three came out together, what did they do with the other tickets?—A. They put them back into the box and shook together and drew out the excess.

Q. Was that done according to law?—A. Yes, sir.

Q. Was the supervisor entirely satisfied?—A. He was satisfied there was no mistake in the counting, but when they were returned to another man did the drawing and he fished in there and fished the Republican tickets.

Q. Can it be proved that they purposely drew out Republican and left the Democratic tickets in there?—A. We had our belief in it. Whenever he put his hand in, he kept it in there so long as if fishing in there.

Q. Did he not take them out as fast as Mr. Muirhead counted them?—A. No, sir; we had a spat over it the whole night. He out so many Republican tickets that he laughed over it himself.

Q. Were not Democrats tickets also destroyed?—A. Not as m

publican tickets. There were some destroyed. They were compelled to destroy some Democratic tickets because they had more Democratic tickets in the box than there were voters. There was a great pile of these small tissue tickets.

Q. They had to destroy some of them?—A. Yes, sir; but most of the tickets burnt were Republican tickets, for after they had counted them they drew out so many tickets they found they had made a mistake and they had to draw out ten more tickets. Out of the ten they drew nine were Republican and one Democratic.

Q. Did not the Democrats grumble that too many of their tickets were being destroyed?—A. No, sir.

Q. It has been testified that there was grumbling on both sides.—A. The man didn't testify what was true, and if he was there all night he ought to have testified what was true.

Q. Did not the Democrats use such expressions as "There goes another Democratic ticket," &c.?—A. They certainly did in the time when they were drawing them out. They did that.

Q. So far as you saw, was not the form of the law strictly conformed to?—A. The law was conformed to by Mr. Muirhead in the drawing out of the votes.

Q. What you charge is, that you think the drawer of these tickets could tell what tickets he was drawing?—A. Yes, sir, and I told him so right there. The Democrats had some large tickets, and sometimes in drawing out they would get one of them. If all the tickets had been of a size he could not have told the difference between them.

Q. Do you not consider Mr. Muirhead a reliable gentleman?—A. I can't say. I will take the old maxim, a man that is unjust in a little, is just in much.

Q. You don't charge that Mr. Muirhead would swear to an unjust return in regard to those ballots?—A. I don't know what oath he made. I have not heard any statement by him. I will say this: if Mr. Muirhead testified that these tissue ballots were voted, and that the Republicans voted them, I wouldn't take his word.

Q. You say you objected to the burning of the surplus tickets because the law says they must be "destroyed" and not "burnt"?—A. No, sir; and I objected to his drawing out all the large tickets and leaving these little tissue tickets in there. The law does not say how they are to be destroyed, and burning is as quick a way as any.

Deposition of Robert Williams.

the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ROBERT WILLIAMS, a witness of legal age, produced by contestant on due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your age?—Answer. I was born December 13th, 1822.

Q. Where do you live?—A. I reside on Mount Pleasant, Christ Church parish.

Q. Where did you vote at the last general election?—A. Town of Mount Pleasant.

Q. What ticket did you vote?—A. The Democratic ticket.

Q. For whom did you vote for for Congress?—A. M. P. O'Connor.

Q. In voting, did you make any attempt to conceal how you voted; that is, to prevent others from knowing that you voted the Democratic ticket?—A. I did not, because I was one of the Democratic rallying committee that day.

Q. Had you ever voted the Democratic ticket previous to that?—A. I did. I voted for Hampton in 1876, and voted it when John T. Green ran.

Q. Have you ever been ostracized or ill-treated by the other colored people because of your voting and acting with the Democratic party?—A. No, sir; I have been jeered sometimes, but nothing else.

Q. What kind of ticket did you vote—that is, did you vote a large or small ticket?—A. The regular Democratic ticket.

Q. Did you vote a tissue ticket—a small Democratic tissue ticket, I mean?—A. I never saw one.

Q. Did you see any on the day of election?—A. I didn't.

Q. Were you engaged in distributing Democratic tickets?—A. I was.

Q. About how many colored men, so far as you know, voted the Democratic ticket at the last general election at Mount Pleasant?—A. As far as my judgment leads me, about ten or fifteen right in the village. They were persons I served tickets to.

Q. From what you observed during the day, is it true that a majority of the colored people over at Mt. Pleasant voted the Democratic ticket?—A. No, sir; I could not say that. Some of them you could not tell about the Democratic ticket; they would not take one from you; they would say they were afraid of hanging themselves again; the majority of them would not listen to you, except the friends you knew.

(Counsel for contestee desires to enter the same protest as in the cases of the former witnesses, objecting to the evidence as not in reply.)

Cross-examination by E. HENRY EDMUND RAVENEL, counsel for contestee:

Q. Do you live in the village of Mt. Pleasant?—A. Yes, sir.

Q. You are not the only colored Democrat over there, are you?—A. Oh, no, sir.

Q. There are a number of them in the village?—A. Well, they used to be pretty strong members of the Democratic club, but they are much scattered now.

Q. They are gone out of the village?—A. Yes, sir.

Q. Scattered?—A. Yes, sir.

Q. On the point of ostracism and making it unpleasant for a man because he voted the Democratic ticket, is there not more of it in the country than in the village, according to what you have heard?—A. In the country the people pretty much hang together. We in the village hang together. I could not answer about the country; only when I went through on the stump they would have their caucuses and we would have ours; but there was no ill-feeling towards one and the other.

Q. Have you not heard of instances of ill-feeling in the country?—A. There used to be a good deal of it one time.

Q. It used to be exceedingly strong, did it not?—A. About the time of John T. Green it used to be pretty rough that time.

Q. It used to be dangerous for a colored man to be a Democrat?—A. I would not say dangerous, but they used to keep to themselves.

Q. Did they used to put them out of the churches?—A. I cannot answer you about the churches, because I don't go around them often.

Q. You say a majority of the colored men on Mt. Pleasant did not vote the Democratic ticket?—A. Not to my knowledge. I know I tried my best to rally for my ticket. I was a member of the executive board and one of the leading members of the rallying committee, and I saw none, with the exception of the few of us that kept together, that used to be members of the Democratic club, but since the thing got cold we scattered.

Q. You have scattered since the election?—A. Oh, yes, sir.

Q. Your club was pretty well together at the time of the election?—A. White and colored, pretty well together.

Q. You have no knowledge of how many did vote the Democratic ticket, have you?—A. I cannot say.

Q. A great many might have voted it that you didn't know of?—A. Yes, sir; sometimes while rallying I would be in the village and sometimes over on the island. We didn't hang around the poll all the time; we would go outside to get supporters for our ticket.

Q. There were a good many rallyers?—A. Yes, sir; there was myself, Ephias Lewis, Washington Clarence Brown, and the balance were white.

Q. Give balance that you remember.—A. Yes, sir; Mr. Oswell Freeman was a member of the rallying committee, and Mr. John H. Bowzon, was one of the rallying committee.

Q. Has there not been a good deal of talk against colored Democrats or the colored women?—A. No, sir; I could not say that, because I never heard any, with the exception of my own wife, and she did not want me to support the Democratic ticket.

Q. Your own wife was opposed to you supporting the Democratic ticket?—A. Oh, yes, sir.

Q. Strongly opposed?—A. Yes, sir.

Q. You don't know anything about anybody's else wife?—A. No, sir.

Q. Are you a man of much influence over there?—A. Oh, yes, sir; I used to make big talk over there; that is, rallying through the county.

Q. Don't you get drunk sometimes?—A. I don't say get drunk, but nights I get pretty lively. When we hold meetings, after meetings get a little lively.

Q. You say you don't belong to any church?—A. No, sir; of course was christened when a child, but since I became a man I gave it up, cause I don't live up to it. That is years ago.

Q. Your manner of life is not calculated to give you so much influence, there might not have been others who could rally a good many more voters on the day of election?—A. There might have been for what I own.

Q. Did you witness the count of the votes on the day of the election?—A. I did not.

Q. You were not there?—A. I was there late, when they were counting them; you could not get inside; you were not allowed inside. I was on the piazza; a great crowd was there.

Q. Did you see the burning of the surplus votes?—A. I did not.

Q. Do you not believe that Mr. Muirhead and Mr. Fell, who were the managers, with Mr. Venning, who was their clerk, would make a true return of the votes as far as they were able?—Certainly, I believe it.

Q. Did they return a majority of Democratic votes?—A. Now, sir, I did not answer that, because I don't know.

Q. You don't remember?—A. I don't remember.

Q. But you think if they did, they did it, so far as they went, with fairness and justness?—A. I believe that.

Q. Because they are fair men?—A. Yes, sir.

In reply by E. W. M. MACKEY, contestant:

Q. You are still a Democrat?—A. Yes, sir; I have not changed yet.

Deposition of Henry Simmons.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

HENRY SIMMONS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. How old are you?—Answer. I really could not guess at it now, but I have my age down in the Bible at home.

Q. Where do you live?—A. Mt. Pleasant, Christ Church Parish.

Q. Do you . . . Frederick Wilson?—A. Yes, sir; I know him.

Q. Did you have a difficulty with him on the Mt. Pleasant wharf on the morning after the election of 1876?—A. Yes, sir.

Q. Please state how that difficulty arose.—A. The day of the election he cursed my wife for a bitch on the streets. I was running on the steamboat at that time. On the arrival of the 3 o'clock boat at Mt. Pleasant she came down to the wharf to bring my dinner, and told me about it. That night, after making the last trip to the island, I hired a small boat and went over to Mt. Pleasant, but the boys told me not to have any fuss with him that night, as the election went off so well. The next morning, when they brought the ballot-box down to the boat to bring over to the city, he was on the wharf, and began throwing slaps about what he had said to a Republican man's wife. I jumped out after throwing out the gangway-plank, and caught hold of him, and he and I got fighting. No one else had anything to do with it but me and him.

Q. Did the crowd interfere?—A. No crowd had anything to do with it.

Q. Did you attack Frederick Wilson because he voted the democratic ticket, or because he was a democrat?—A. I attack him about what he cursed my wife.

Q. He was boasting about it on the wharf, and that provoked you, and you then pitched into him?—A. Yes, sir.

Q. Did you pitch him overboard?—A. Yes, sir.

Q. Did anybody help you?—A. No, sir; nobody had anything to do with it; I not only pitched him overboard, but I intended to break his damned neck.

Q. Where did you vote at the last general election?—A. At Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Did you vote more than one ticket?—A. Only one ticket I voted.

Q. Were there any small democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. Was Mr. Mackey's name on your ticket for Congress?—A. Yes, sir.

(Counsel for contestee enters the same protest, as in cases of former witnesses objecting to the evidence as not in reply.)

Cross-examination by HENRY E. RAVENEL, counsel for contestee:

Q. When you had that difficulty with Wilson, was it not the very day after the election?—A. Yes, sir.

Q. And arising out of a quarrel which your wife had?—A. Yes, sir.

Q. Was there not a large crowd on the wharf when you threw him overboard?—A. Yes, sir; there was the crowd there that came down to morning with the ballot-box from up the road, but the crowd did interfere with us at all.

Q. Are you a Republican?—A. Yes, sir.

Q. A strong and warm Republican?—A. Yes, sir.

Q. Were there not a great many Republicans in the crowd that morning?—A. Yes, sir; that is, there were a great deal there, I suppose.

Q. Is Frederick Wilson a democrat?—A. I believe he is; that is, as far as I have heard, but I could not swear to it myself.

Q. You just heard he was?—A. Yes, sir.

In reply by E. W. M. MACKEY, contestant:

Q. You were asked if there were not a large number of Republicans in the crowd; were there not a large number of Democrats also?—A. Yes, sir; a great deal were there of each party.

By HENRY E. RAVENEL, counsel for contestee:

Q. You say there were a great many Democrats on the wharf as well as Republicans, at the time you threw Frederick Wilson overboard?—Yes, sir.

Q. Do you know that there were any colored Democrats there besides Wilson that morning?—A. Yes, sir.

Q. Did you know of any?—A. I don't know whether they were Democrats or not only from what I heard. I don't know what ticket they had.

Q. Can you read?—A. No, sir.

Q. How do you know Mr. Mackey's name was on your ticket?—A. The man that gave me the ticket, I suppose he could read; if he could not he had no right to have the tickets. I got my ticket from James Esterfelt.

Q. And you only suppose Mr. Mackey's name was on it, because it was the Republican ticket?—A. I don't suppose so; I was certain it was so.

Q. For what position was Mr. Mackey then running?—A. I didn't exactly find out what office he was running for.

Certificate of notary.

STATE OF SOUTH CAROLINA,

Charleston County:

I, E. H. Hogarth, a notary public in and for the State of South Carolina, do hereby certify that the foregoing depositions of W. J. Murrell, Bobt Williams, and Henry Simmons were taken by me pursuant to notice of contestant, and in accordance with the provisions of law at Charleston, county and State aforesaid, this 3d day of December, A. D. 1879, the contestant being present in person, and the contestee being represented by his attorney, Henry Edmund Ravenel, esq.

Given under my hand and official seal this 3d day of December, A. D. 1879.

[SEAL.]

E. H. HOGARTH,
Notary Public, So. Ca.

ORANGEBURG COUNTY.

Notice to take testimony in rebuttal at Orangeburg C. H.

To Hon. M. P. O'CONNOR, *Charleston, S. C.:*

You will please take notice that I will examine the following named witnesses relative to and in rebuttal of the evidence produced by you to support your answer to my notice to you that I would contest your right to a seat in the Congress of the United States to which you claim to have been elected at the general election held November 5th, 1878, for the second Congressional district of the State of South Carolina before E. Hogarth, esq., a notary public in and for the State of South Carolina at Orangeburg C. H., in the county of Orangeburg, State aforesaid, on the 1st, 2d, and 3d days of December, A. D. 1879, between the hours 8 o'clock a. m. and 10 o'clock p. m. of said days, or so much thereof as may be necessary for the examination of said witnesses, to wit: E. Webster, S. R. Felder, Jno. L. Williams, Rev. Alonzo Webster, J. Livingston, Adam Trimmings, F. M. Maillette, A. D. Dantzler, Ephraim Cummings, D. A. Straher, F. F. Funches, W. H. Brown, S. L. Duncan, H. D. Edwards, E. F. Aiken, P. T. Berwick, W. M. Thomas.

Respectfully,

E. W. M. MACKEY

Service accepted.

M. D. O'CONNOR

Subpoena writ for witnesses.

STATE OF SOUTH CAROLINA,
Orangeburg County :

To E. A. Webster, S. R. Felder, Jno. L. Williams, A. Webster, J. H. Livingston, Adam Trimmings, F. M. Maillette, A. D. Dantzler, D. A. Straher, P. F. Funches, W. H. Brown, S. L. Duncan, H. D. Edwards, E. F. Aiken, P. T. Perwick:

You and each of you are hereby summoned to appear before me at the court-house in Orangeburg, in said county and State, on the 1st and 2d days of December, A. D. 1879, to be then and there examined under oath by me respecting the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the 46th Congress of the United States.

Herein fail not on pain of the penalties that will fall thereon.

Given under my hand and official seal at Orangeburg this 25th day of November, A. D. 1879.

[SEAL.]

E. H. HOGARTH,
Notary Public, State of So. Ca.

Deposition of John L. Williams.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor for a seat in the 46th Congress of the United States.

STATE OF SOUTH CAROLINA,
Orangeburg County :

JOHN L. WILLIAMS, a witness of legal age, produced by the contestant upon due notice to contestee:

Question. Were you one of the supervisors of election at Lewisville, Orangeburg County, at the last general election?—Answer. Yes.

- Q. On behalf of which political party were you appointed?—A. On
half of the Republicans.
 Q. Have you already testified in regard to the election at your poll?—
Yes.
 Q. Is it true that you offered to vote the Democratic ticket at the last
general election?—A. No; it is not true.
 Q. If anybody has so stated, is it not false?—A. It is.
 Q. Do you know E. J. Cain, one of the commissioners of elections for
Orangeburg?—A. Yes.
 Q. Did he vote at your poll at the last general election?—A. Yes.
 Q. What ticket did he vote?—A. He voted the Democratic ticket and
was with the Democrats throughout the day.

JNO. L. WILLIAMS.

I swear to and subscribed before me this 1st day of Dec., A. D. 1879.

E. H. HOGARTH,

Notary Public.

Deposition of D. A. Straker.

the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Orangeburg County:

- Q. A. STRAKER, a witness of legal age, produced by contestant upon notice to contestee, deposes as follows in reference to questions propounded by the contestant:
 Question. State your age, residence, and occupation.—Answer. I am 35 years of age; reside in the town of Orangeburg; and am an attorney at law.
 Q. Do you know E. J. Cain, one of the commissioners of election for Orangeburg County at the general election of 1878; and, if so, state what you know in regard to his political affiliations?—A. I do. Since 1866 he has affiliated with the Democrats. In 1876 he was a candidate for the Republican nomination for State senator from this county, but received no support whatever in the Republican convention. He then abandoned the Republican party, and became an Independent candidate; but out of about seven thousand votes cast in the county, he did not receive more than two or three hundred. Ever since then he has been with the Democrats, and has never since been recognized by the Republicans as a Republican.
 Q. Was he not appointed as commissioner of election against the wishes of the Republicans?—A. Yes. At the State Republican convention held in August, 1878, a resolution was introduced by me requesting Gov. Hampton to appoint as one of the three commissioners of election for each county a Republican, to be selected, subject to his approval, from the Republican representatives from the several counties. The resolution was not adopted, because the convention was informed that it was the intention of Gov. Hampton to do so, and that action by the convention was unnecessary. Accordingly S. L. Duncan and I called on the governor, and requested the appointment of John L. Williams as the Republican representative on the board of election commissioners. He promised to appoint him, but did not do so.
 Q. Are you a member of, or do you attend, any colored church in Orangeburg?—A. I attend the Methodist Episcopal Church, also the

African Methodist Church, and sometimes the other churches in the town of Orangeburg.

Q. Have you ever heard of any colored man being expelled from these or any other colored church in Orangeburg for having voted the Democratic ticket, or for being a Democrat?—A. No, never.

Q. Is it true that the colored churches are used as an instrument to prevent colored men from voting with the Democrats?—A. Not that I am aware of.

Q. Is it true that a colored man cannot be a Democrat without being ostracized by other colored men?—A. I know of no such case.

Q. To what political party do the colored people of Orangeburg generally belong?—A. To the Republican party.

Q. Is it true that a majority of the colored people of this county voted the Democratic ticket at the last general election?—A. I do not believe it, because I have attended well-nigh every Republican meeting in the campaign of 1876 and 1878 and never heard any colored man assert that he was a Democrat or advocate Democracy. Also, because my profession brings me in frequent contact with nearly all the colored people of the county, and I have never heard one say that he was a Democrat.

Q. Did the Republicans take as much interest in the election of 1878 as they had in previous elections?—A. More so, and more united.

Cross-examination by JOHN F. IZLAE, counsel for contestee:

Q. You have considerable influence with the colored people around here?—A. I think I have.

Q. The expressions of opinion as to politics which you heard were only from those whom you endeavored to influence to vote the Republican ticket?—A. Not only from those whom I endeavored to influence to vote the Republican ticket, but also from several reputed colored Democrats, who told me that they were not really Democrats, and would leave their polls on the day of election if they could, and vote the Republican ticket elsewhere.

Q. How many told you that and what are their names?—A. Nearly all the reputed colored Democrats in this county, about six in number. Their names I cannot now recollect, but I know them all personally, and could point them out.

Q. Do those six embrace all the reputed colored Democrats in the county?—A. All that I know.

Q. Were you very intimate with these parties?—A. I was, and still am, but I cannot recall their names.

Q. Do you know T. K. Sasportas?—A. I do.

Q. Did he ever tell you that he did not intend to vote the Democratic ticket in the last election?—A. He never told me that he did. I have never had any conversation with him on the subject.

Q. Do you know Marshall Jones?—A. I do.

Q. Did he ever tell you so?—A. I never had any conversation with him as to how he intended to vote.

Q. How many of these reputed colored Democrats told you that they were going to vote the Republican ticket?—A. I am not willing to answer that question, because they told me they were under obligations to those who influenced them to vote the Democratic ticket, and that they were white Democrats, and such exposure would injure their business relations.

Q. Where did such conversations take place?—A. In my office, near the jail.

Q. Name just one man.—A. I will not, for the reasons already stated.

Q. Let us have some of the names of the white men whom these persons were afraid of.—A. Dr. Barton.

Q. How many more white men can you name besides Dr. Barton?—A. None other that I can remember.

Q. You said that from all the Republican meetings you attended in the canvass of 1878 the Republicans were more united than ever. Now state how many Republican meetings you attended in the canvass of 78.—A. Two or three.

Q. State where those two or three were held.—A. One in the town of Orangeburg, one about five miles from Orangeburg, and one at Jamison's.

Q. Were these meetings held in the day or at night?—A. Only one of them was held in the day, and that was the meeting in the town of Orangeburg, at which Col. Mackey spoke, and the other two were at night.

Q. How many were present at the night meeting five miles from Orangeburg?—A. About 100 or 150 as near as I can estimate.

Q. Did you meet in a house, and in whose house?—A. We met in a house, but whose house it was I do not remember.

Q. On whose plantation was it?—A. I don't know.

Q. Was it in a church?—A. No.

Q. Was it in a dwelling house?—A. No.

Q. What kind of a house was it?—A. An unoccupied pole house.

Q. What were the dimensions of the house?—A. I don't know.

Q. Did you speak there?—A. Yes.

Q. Did any one else speak there?—A. I don't recollect of any one else speaking.

Q. Tell us of somebody else who were present besides yourself?—A. Edward Aiken, Mr. Zimmerman, Dennis Aiken, R. Dwight, Cyrus Dwight, Orrill Amaker, and many others whose names I cannot remember.

Q. Where was the other moonshine meetings held?—A. We could not hold meetings on moonshine nights.

Q. Well, where was the dark lantern meetings, then?—A. At Jamison's.

Q. In whose house was that meeting held?—A. I don't know.

Q. Who called the meeting?—A. Lemuel Arthur.

Q. How many were there?—A. About 50 or 75.

Q. Who spoke at that meeting?—A. I did. Nobody else that I recollect of.

Q. Give us the names of some who were present at that meeting?—A. Arthur, Riley, and many others whose names I cannot now recall.

Q. Did you attend Mr. Mackey's meeting?—A. Yes.

Q. Was it a quiet and peaceable meeting?—A. It was.

Q. That was the largest meeting held in the county during that election, was it not?—A. Yes.

Q. Where was that held?—A. In the town of Orangeburg, on Mr. Webster's premises.

Q. Who got up that meeting?—A. The principal members of the republican party of Orangeburg.

Q. Who were the principal lights among the Republicans then?—A. The several precincts chairmen, S. L. Duncan, now senator, E. A. Webster, and myself.

Q. What is Dr. Webster's occupation?—A. A minister of the gospel.

Q. Alonzo Webster is the father of E. A. Webster and is a minister of the gospel?—A. Yes, sir.

Q. Were you present at the last municipal election in the town of Orangeburg?—A. I was not present but I was in town.

Q. Did not the colored people generally vote with the white people in that election?—A. They did.

Q. Did they vote with the white people through fear that election?—A. No, sir.

Q. Was there not a Republican at that time running for intendant of the town on the Democratic ticket?—A. Yes, sir; a Republican was running as mayor on the Democratic ticket.

Q. You were present at what poll during the election of 1878?—A. Orangeburg Court-House poll.

Q. Did you hear any confusion or wrangling or disturbance among the Republican and Democratic supervisors that day?—A. No, sir; not that I recollect.

Q. Did you hear of any between the Republican supervisor and the Democratic managers that day?—A. No, sir; not that I recollect. I was at the poll but very seldom.

Q. But you heard of no disturbance?—A. No, sir; heard of none and saw none at the times I visited the poll. I was there very seldom.

Q. That was the only poll you were at?—A. Yes, sir; that was the only poll I was at that day.

In reply by E. W. M. MACKEY, contestant:

Q. You say you heard of no disturbance of any kind while you were at the poll?—A. No, sir.

Q. Did you hear of any when you were not there?

(Objected to by counsel for contestee, as not in reply.)

A. I said I did not hear of any between the managers and supervisors, but I heard of other fusses.

Q. You were asked in regard to the Republican meeting that was held at Orangeburg Court-House; will you please state what was the size of that meeting; that is, about how many people attended it?—A. I am of the opinion that there were about two thousand present.

Q. You stated that the Republicans could not hold meetings on moonshine nights; will you please state for what reasons they could not hold them?—A. Because as far as I know they were afraid of interference by the Democrats.

Q. You were also asked if the meeting at Orangeburg was not a very quiet and peaceable meeting; do you know of any attempt made on the part of any Democrat to disturb the quietness of that meeting?—A. As I said yesterday it was generally quiet, but a citizen, I distinctly recollect, Mr. Ed Felder by name, attempted to draw his pistol at the time you were speaking, and was taken away by his friends; he drew his pistol at some remarks you made.

Deposition of E. A. Webster.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Orangeburg County:

E. A. WEBSTER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. State your age and residence.—Answer. My age is 30; residence, Orangeburg Court-House.

- . Did you participate in the political campaign of 1878?—A. I did to certain extent, as a member of the Republican executive committee of this county.
- . Is it true that the Republicans made no effort to carry Orangeburg County?—A. That is not true; we made a very strenuous effort to carry Orangeburg County; we had no meetings—that is, large public meetings with but one exception, but the party was organized. Every precinct has its local club, and we had occasional meetings of the executive committee at which we got reports from all sections of the county; there was no disagreement among us; we were perfectly united, and ought we could get along without any public meetings.
- . What was the reason that the Republicans did not hold many public meetings in Orangeburg County during the last campaign?—A. There are two very prominent reasons; one of them I have just suggested, that we thought we could get on without them; in the second place, we thought it would be unsafe to hold large public meetings. The reasons that induced us to such a feeling were notices and local items in the various county papers advising the Democrats to demand and insist upon a division of the time at every Republican meeting, and to demand them whether held in a private or public place, and to suffer no agreement which was detrimental to the Democratic party to go uncontested. It was a matter of public notoriety. All the papers of the time were full of such matters, and meetings were broken up in accordance with such advice. Our executive committee decided for those reasons that we would dispense with public meetings throughout the county, and that we would work in a silent way through our organizations at the various precincts.
- . Had it been made known to you that Republican meetings had, in early part of the campaign, been disturbed in this county?—A. It is; along in August there was a communication printed in the Orangeburg Times signed by Mr. W. D. Dantzler, in which he said he had attended a Republican meeting for the purpose of insisting upon a division of time; there were also a few local township meetings, and some of these were broken up. I was not present at the meetings, but parties came to me to seek advice; persons right here, Democrats, told me at that time that they were solicited to go into the county for the purpose of breaking up Republican meetings. I can only give the name now, P. G. Cannon. He said he was solicited to go into the county to break up Republican meetings, and he told them he was not in that kind of business.
- . In your intercourse with the colored people in this county did you observe any change in their disposition which tended to indicate that they had changed their political opinions; that is, that they had abandoned the Republican party and intended to become Democrats, since the election of 1876?—A. No; on the contrary, many who were then considered among the doubtful ones, in 1876, told me in 1878 they intended to vote the Republican ticket. The fact is, there were about 300 who voted the Democratic ticket in 1876, and the effort made in 1878 by the Democrats to secure Republican voters was not near as strenuous and vigorous as in 1876.
- . Is it true that the Republican meeting which was held in Orangeburg, at which Mr. Mackey spoke, consisted of only three hundred persons?—A. I considered the meeting a very large meeting. In my opinion there were at least 1,800 at the lowest calculation present; probably could run over that, and in the parade there were about from 800 to 100 horsemen. I base this upon my own observation and upon what

I heard others remark. I saw an address which was signed by a number of Democrats, among them F. H. Wannamaker, that there was in this parade 700 colored men riding on their own mules and horses.

Q. You say that this statement, which asserted that there were 700 colored men in that parade, was signed by Mr. F. H. Wannamaker, as well as others. Was that the Mr. Wannamaker who was one of the commissioners of election for Orangeburg County?—A. I don't know any other Mr. F. H. Wannamaker.

Q. Where was that meeting held?—A. It was held over on what is called Sunny Side, on an open piece of land belonging to my father.

Q. On private land?—A. Yes.

Q. Why was it necessary to hold it there?—A. A general rumor prevailed that an attempt would be made to break the meeting up. On the day our meeting was to be held, there was some 7 or 8 companies of State militia composed entirely of Democrats ordered to muster on the old field where we had been in the habit of holding our political meetings, and we kept secret the place of our meeting until the day on which it occurred.

Q. Were any changes made in the Republican ticket several days prior to the election? and, if so, state for what reason.—A. There were several changes made to the best of my recollection. There were two made by the Republican executive committee; the first change was that of I. H. Hughes, who was a white man. He had accepted the nomination on the Republican ticket; he was a Democrat and had always previous to this voted with the Democratic party. On the first day after the meeting of the convention—I won't say the day after, but upon the adjournment of the convention—Mr. Hughes notified us that he could not continue on the ticket, that the pressure against him was too strong for him to do so.

Q. What kind of pressure?—A. The best I remember he said that he was told by his friends that it would ruin him in his business prospects, and that he would be ostracized. I don't remember that he went very minutely into the details, but he gave it in that general way.

Q. Had Mr. Hughes agreed to accept the Republican nomination before he was nominated?—A. He had; not only he, but several others who were not nominated.

Q. Did you have his acceptance in writing?—A. We did.

Q. You say you had communications from other Democrats also agreeing to accept if nominated?—A. Yes.

Q. Will you please state who they were?—A. I had a letter of acceptance from I. D. Palmer for any position on the Republican ticket which we saw fit to give him, except that of judge of probate. We had a written acceptance from Henry L. Rickenbacker for the position of school commissioner to be nominated. We had a written acceptance from Col. Daniel Livingston for the position of county commissioner on our ticket. We also had written acceptances from two or three other men that I cannot recall.

Q. Were these letters of acceptance procured from these Democrats in anticipation of the fact that they might be nominated in the Republican convention; and, if so, for what reason?—A. They were given in anticipation of a nomination and it was so stated in the letters by them. The reason why we procured these letters, we wished to know when we went into the convention that we could depend upon these men accepting the nomination.

Q. Why did the Republicans of this county desire to nominate some Democrats on their ticket?—A. There were two particular reasons. One

, we wanted a good ticket that would be acceptable to the people, would receive the support of a certain element of the Democratic party. The second reason was that, from the way the special election been managed after the election of 1876, we knew the only way we ld fortify ourselves against fraud being perpetrated in the count was centre a white conservative backing, or support, in the county.

. Was there any dissatisfaction in the Democratic party ?—A. As as I could judge there was great dissatisfaction ; there was a lack of money and dissatisfaction with the Democratic ticket.

. In the appointment of managers of election, would it have been a cult matter for the commissioners of election to find a Republican at a precinct who could read and write ?—A. I don't think so. I was member of the commissioners of election in 1876, and we found no difficulty in finding two Republicans to act as managers at each of the s in the county who could read and write.

. In 1876, when you were a commissioner of election, did your board point a Democrat at each poll in the county ?—A. We did.

. Is it true that there has been no expressions of dissatisfaction among the colored people in regard to the result of the last election ; t is, the way it was managed ?—A. I have heard no colored man express satisfaction with the result of the last election ; while on the contrary, all whom I have conversed with about it pronounce it a fraud. There are a great many Democrats who pronounce it so also.

. Have you any reasons to believe that at some of the polls no Republican tickets were received ?—A. Republican tickets in abundance were sent to every poll. I have never heard that they failed to reach a poll in the county by the time the boxes were opened on the day of election.

. Had the Republican tickets failed to reach any poll in this county, t not probable you would have heard of it ?—A. I should have on day after the election. We made all the supervisors make a statement in which they gave a report of the management of the election at their l, and not one of them reported that the tickets were not received at their polls.

. When you say "we," what do you mean ?—A. I mean as a sub-mmber of the executive committee, as one of the committee.

. So far as you know, is it true that a colored man cannot vote the Democratic ticket in this county without the fear of having his stock killed, his house burnt, and he himself ostracized by the other colored people ?—A. It is not ; on the contrary, I know one man who has told me he has always voted the Democratic ticket and he has never been abused for it. I would make this remark, that those who are induced to vote the Democratic ticket are the very lowest class of the colored men, and they are not those whom the others would associate with. It is one of the co-requisites of their joining the Democratic party that they should belong to that class.

. Were there men nominated on the Democratic ticket at the last election who could neither read nor write ?—A. There was but one to knowledge.

. Who is he ?—A. Ephriam Cummings.

. For what position ?—A. Position of county commissioner.

. Do you know E. I. Cain, one of the commissioners of election of this county ?—A. Yes, I do.

. Is he regarded by the Republicans of Orangeburg County as a publican ?—A. He is not.

Counsel for contestee objects to all of the foregoing testimony on the ground that it is not in reply.)

Cross-examination by JAMES F. IZLAE, counsel for contestee:

Q. How long have you known E. I. Cain?—A. More or less since 1872.

Q. Was he not identified with the Republican party?—A. He was.

Q. For how many years?—A. Until 1876.

Q. Was he not elected to various offices in the county by the Republican party?—A. I think he was.

Q. Will you state what offices?—A. To my knowledge he was elected to the office of sheriff.

Q. What else?—A. And I think school commissioner; beyond that I don't know.

Q. Did he not attend the convention to frame the constitution?—A. That I cannot say. I do not think he did.

Q. Mr. Cain is an intelligent colored man, is he not?—A. He has some intelligence.

Q. He can read and write?—A. He can.

Q. Has some degree of intelligence?—A. Yes.

Q. You thought him intelligent enough to make him school commissioner?—A. I don't know that they did, but they elected him any way.

Q. They thought he had intelligence enough to elect him sheriff?—A. I suppose so; the only time I voted for him was when he was voted for by every Democrat in the county.

Q. They thought he had intelligence enough to elect him to the office of sheriff?—A. I suppose they did.

Q. And to re-elect him?—A. Yes.

Q. Then he is one man of intelligence that has gone with the Democratic party by your own testimony?—A. Yes; he is a man of some intelligence, but of bad character.

Q. He is one man of some intelligence that you claim that has gone over to the Democratic party?—A. Yes.

Q. Is Mr. Sasportas a Democrat or Republican?—A. I think he is.

Q. Which?—A. A Democrat or Republican.

Q. Which is he?—A. He is half and half.

Q. Did he ever hold any office in this county?—A. I think he has not to my knowledge held any elective office.

Q. Did he ever go to the legislature?—A. Not to my knowledge.

Q. Has he held any office by appointment?—A. He was county treasurer of this county.

Q. Was he not school commissioner?—A. Not to my knowledge.

Q. He was appointed as a Republican?—A. Yes; and had a good lawyer for his counsel.

Q. You know how he voted in the last election?—A. Only what he told me.

Q. What did he tell you?—A. He told me he did not vote the Democratic ticket; there was some scratching done; it was neither a Republican or Democratic ticket.

Q. He didn't tell you he voted the full Republican ticket?—A. No, sir.

Q. Did anybody else tell you that they voted in the same way?—A. They may have, but I recall no one now.

Q. Mr. Sasportas has a certain degree of intelligence, has he not?—A. He has.

Q. What do you mean when you say that you made strenuous efforts to carry the county of Orangeburg for the Republicans; please tell me what you mean by that; in what did these strenuous efforts consist?—A. They consisted in the organization of local township clubs which were under the supervision of the chairmen of the precincts; we held meetings

of our county executive committee at which we got reports from each one of these chairmen; and indeed every means were taken to secure a full Republican vote and influence any in a good direction that intended to vote the Democratic ticket.

Q. What do you call a good direction?—A. Talk with them, advise them, if they were under any obligations to go to any poll and vote the Republican ticket.

Q. How many meetings did you attend?—A. I attended no public meetings except the Republican convention, the meetings of the Republican executive committee, which were not public, and the large meeting here which Mr. Mackey addressed.

Q. Then all of your knowledge of this vigorous and energetic campaign was carried on by the prominent Republicans of Orangeburg County, consisting of yourself, Mr. D. A. Straker, and Samuel Duncan?—A. No, we were connected with it; the parties named were connected with the Republican executive committee of this county, which consisted of all the precinct chairmen together with a special committee which was composed of the parties just mentioned.

Q. Then all your knowledge of how vigorous the campaign was carried on was obtained from this committee?—A. From the reports that we constantly got outside of this committee; we, the committee, would hear of anything going wrong; the precinct chairmen were requested to give any information in reference to their precincts.

Q. Did you and Mr. Straker and Duncan visit these meetings?—A. I did not. I did not consider it safe for me.

Q. There was one public Republican meeting called in the county of Orangeburg?—A. There was but one that was called with the sanction of the executive committee.

Q. That was Mr. Mackey's meeting?—A. Yes.

Q. All other meetings were called without authority of the Republican party during that campaign?—A. I could not say that; the precinct chairmen had charge of the organizations in their precincts; they were advised by the executive committee not to call many meetings, not more than enough to keep their men together, but they had the power to call a meeting of their precinct when they saw fit.

Q. Were you at any meeting during the campaign of 1878 which was broken up by Democrats?—A. I was not.

Q. Were you present at any meeting during the campaign where half time was demanded?—A. I was not.

Q. Were you present at any meeting during the campaign of 1878 where the Republicans were not allowed to speak as much as they pleased?—A. I was not present at any meeting except the Mackey meeting.

Q. You stated there was a great deal of dissatisfaction in the Democratic ranks, a want of unity and harmony; from whom did you get that information?—A. Picked it up in a general way, and from remarks I heard others make.

Q. Will you state some person you heard make those remarks?—A. In the first place there was a combination formed against what is known as the court-house clique.

Q. Who informed you of that?—A. Picked it up in a general way through the expressions of people, and the papers as well.

Q. Who were dissatisfied with it?—A. There was a dissatisfaction between the farmers and the court-house clique. I will say that the parties who signed these papers that expressed dissatisfaction assured the Republicans that there was an extended dissatisfaction in the Demo-

cratic party. I have heard a great many speak about it; it was a public matter and every one spoke as they saw fit, and I could not avoid hearing the remarks that they made.

Q. Did this dissatisfaction last throughout the campaign?—A. I think that towards the very last of the campaign many of the dissatisfied ones were whipped into line.

Q. I want to know how you know that?—A. I judged this, because those of them who had expressed their willingness to accept nominations on the Republican ticket at the very last moment informed us that they could not run on the ticket, just previous to the day of election.

Q. Please state who they were.—A. Mr. Hughes was one. M. Rickenbacker was another. Mr. Palmer was also another.

Q. All these were men who had previously signified their intention of running on your ticket?—A. Yes.

Q. Then, Mr. Webster, according to your account the campaign on the part of the Democrats was rather vigorous?—A. I should consider it vigorous on the part of some, but great apathy existed on the part of others.

Q. Well, then, will you explain this to me: was there more apathy than vigor displayed in the campaign?—A. I am unable to give the exact ratio, I did not measure it.

Q. You could not say whether there was more apathy than vigor?—A. If I had been behind a bar I might have answered that.

Q. The Democrats not only allowed their own party, but the Republican party, to do pretty much as they pleased in the election of 1878?—A. They did not.

Q. They did pretty much as they pleased, did they not?—A. I would not think they did.

Q. Why don't you think so? If it was all apathy and no vigor on the part of the Democrats, why is it they did not do as they pleased?—A. There were some that were vigorous, and there were others that were apathetic and took no interest in the campaign; some that had been very active in previous campaigns.

Q. You were one of the executive committee?—A. Yes.

Q. Of the Republican party?—A. Yes.

Q. You stated in your direct examination that the Mackey meeting was on the day that the troops were mustered on the old field?—A. Yes.

Q. When was your meeting called—how long previous to that day?—A. I could not state at what time previous the call was issued. We decided very early in the campaign to hold one meeting at Orangeburg Court-House. That meeting was to be held on the Saturday previous to the election, as we had held it in 1876. We thought the effect of the meeting would be better, coming at that time. We had been in the habit of holding it on the old field.

Q. You kept that meeting very secret?—A. We did, as we kept everything secret. The very fact that we intended to put any ticket in the field was kept secret until the convention met.

Q. Did you not know that, by the papers, the troops were to be mustered by the adjutant-general that day?—A. I knew nothing of the mustering of troops until after our meeting was appointed.

Q. You don't mean to say the troops were mustered specially on the day of your meeting because you had kept it so very secret?—A. Yes, sir; we kept it secret, but there were indications enough that we would hold a meeting.

Q. Do you think the adjutant-general takes notice of that?—A. I

ught it was strange that a large mustering of troops should take
ce so soon upon the election.

- Q. Did you not see it in the paper?—A. I don't know.
Q. You take the papers, and read the papers, and are in the post-
ce and did not see it?—A. I saw it in the paper not more than a week
two, it might have been a week before our meeting took place.
Q. Where you born?—A. I was born in Vermont.
Q. When did you come to South Carolina?—A. In the fall of 1865.
Q. What is your occupation?—A. At present I am assistant postmas-
ter of this place.
Q. What is the name of your father?—A. Alonzo Webster.
Q. What is his occupation?—A. Clergyman.
Q. Is he not the postmaster at Orangeburg?—A. He is.
Q. What ballot-boxes did they use in the election of 1876?—A. That's
question I could not answer; we used ballot-boxes which I received
chairman of the commissioners of election from Mr. Dibble.
Q. Were they not the same that were used in 1878?—A. I could not
say they were, but I presume they were.
Q. Are they not the same ballot-boxes that have been used in this
county since 1868, to the best of your knowledge and belief?—A. I could
not answer that. Occasionally one would give out and another would
have to be put in its place.
Q. Generally I mean?—A. I know nothing of other years from 1868
to 1872, but I presume they were the same.
Q. Is Cain popular or unpopular to-day in Orangeburg County?—A.
to-day?
Q. Yes.—A. With whom?
Q. The people.—A. No; I don't consider him popular with the colored
whites of Orangeburg County.
Q. What has caused his unpopularity with the Republican party,
voting with the Democrats?—A. His general perverseness, and he is a
man that is a large part of the time under the influence of liquor when
he can get it; he is very easily influenced when in that way to betray
friends.
Q. Has not his unpopularity been caused by his voting with the Dem-
ocrats?—A. More so by his perverseness and general cussedness; a great
many thing contribute to make him unpopular.
Q. Has not his unpopularity with the Republican party been caused
by his voting with the Democracy?—A. I think that contributes
very greatly to his unpopularity among Republicans—his desertion of
the Republican party.
Q. Then the Republicans don't look so favorably to those men who go
over to the Democracy?—A. They look very unfavorably upon him.
Q. Then there is some whip in the Republican party, too, is there not?
A. No.
Q. You spoke of a whip in the Democratic party; there is a little whip
in the Republican party, too?—A. We use all means which we regard
fair and honorable to induce men to vote the Republican ticket.
Q. What do you understand by the whip of a party?—A. I under-
stand by the party lash a disposition on the part of those controlling the
party to coerce and compel all men who have ever affiliated with the
party to continue to vote their ticket, whether in accordance with their
judgment of what is right or not.
Q. Upon this principle in this campaign, which the Republican execu-
tive committee inaugurated, did you use those means?—A. We did not.

Q. Then you did not run it so vigorously as you thought?—A. A colored man needs no argument to vote the Republican ticket.

Q. How many colored men have you heard speak unfavorably Cain?—A. That would be an impossible question to answer. I have heard no colored man with whom I have conversed speak favorably his Republicanism since 1876.

Q. You stated in your examination before the Teller Senate committee, that came down to South Carolina, that the campaign of the Republican party in South Carolina was a passive campaign; will you please tell me what you meant by a passive campaign?—A. I think that was misstatement or error of the stenographer. At the time I think what I said was this, that we adopted in this county what was called a possum campaign.

Q. What do you mean by possum campaign?—A. I mean we laid low and kept dark, and yet during all the time we were at work, endeavored to convince the Democrats of this county that we were making no fight at all and that we did not intend to put out any ticket.

Q. You mean by a possum campaign that you ran it through the churches?—A. No, sir.

Q. At what poll were you at during the election of 1878?—A. The poll situated at Orangeburg court-house.

Q. How often did you go there during the day?—A. I was off and on at the poll during the day.

Q. Did you hear any dispute, wrangling, demur, or fuss between the Republican and Democratic supervisors?—A. I heard none.

Q. Did you hear any between the Republican supervisor and the managers?—A. I heard none.

Q. Did you hear any between the managers themselves?—A. I heard none; they might have had a discussion, but it did not attract my attention. The poll was nearly surrounded by state constables.

Q. Did you tell anybody to demand access to the room of the managers?—A. At what time?

Q. At any time?—A. At the close of the poll I told a deputy marshal, Samuel Keitt, who had been refused admission, to take his commission in his hand, and tell them, as United States deputy marshal, he demanded the right to discharge his duties.

Q. You did that?—A. Yes.

Q. Why did you do this, if there was no disturbance between him and those in the room?—A. Because during the day I saw what was called the tissue tickets; I knew that they meant fraud; I believed they were in that box largely in excess of persons voting; I had reasons to believe also that the box had been stuffed, and I wanted some officer of the United States to be there; in fact, I wanted as many as could be there to watch the managers; I wanted the managers watched, and I wanted the box watched; I wanted to see everything done fairly and legally.

Q. I want you to tell me why you, Keitt, and Livingston, in preference to anybody else, should do it?—A. I supposed I had the right, by the laws of this State, to witness the count, and I supposed the deputy marshal had the right to witness the count by the laws of this State as a citizen and as deputy marshal by the laws of the United States.

Q. That was your supposition?—A. Yes.

Q. You were arrested on a charge of this conspiracy, were you not?—A. I was, on this conspiracy. I asked permission to witness the count as a citizen; Keitt asked permission to witness it as deputy United States marshal; and Mr. Livingston as the highest peace officer in this county, and also as deputy United States marshal.

Q. Was a true bill found against you?—A. I think there was a true bill found.

Q. You were arrested also for bribery in the election of 1876?—A. I was arrested about a month previous to the election of 1878, on the day we had a meeting of our committee, the executive committee.

Q. Do you recollect a letter that you wrote to Mr. Mount?—A. I have no definite recollection of any letter I wrote to Mr. Mount.

Q. Do you recollect what you said to Mr. Mount about this bribery?—A. I am quite willing to look at this letter, and, if mine, I will acknowledge it.

Q. Do you recollect sending to Mr. Mount a letter about that time to keep quiet and say nothing more about it until he saw you, and that it would be best for us to keep this thing quiet?—A. I don't recollect making any such expression.

Q. Anything like that?—A. I might have told Mr. Mount to come and see me before he saw the Democratic chairman that sent for him.

Q. You don't say you did not tell Mr. Mount to keep quiet about this matter?—A. I don't think I did.

Q. You don't say you didn't, do you?—A. Produce the letter, and, if it is mine, I will acknowledge it.

Q. You say you did see some tissue ballots that day?—A. I do.

Q. What time in the day did you first see them?—A. It was very difficult to get hold of them. I think it was about 11 o'clock. I think I got hold of two about eleven o'clock.

Q. Were they not voted by everybody that desired to vote them?—A. No, sir.

Q. Why were they not?—A. Perhaps I was too fast. By every one that desired to vote them perhaps they were, but every one that desired to get hold of them could not get them.

Q. Were they not on the table of the managers?—A. No, sir, I did not see them; the two I got I sent one to Jamison's and one to Lewisville, St. Mathews.

Q. How many white Republicans are there in Orangeburg County?—A. There are but few that openly affiliate with the Republican party. Mr. Livingston, my father, A. Webster, George Boliver, clerk of court, I. B. M. Foures, E. T. R. Smoke, and myself. Those are all that I remember that are openly connected with the Republican party.

Q. Do you know how Mr. Smoke voted in the last election?—A. I do not.

Q. You know how Mr. Foures voted in the last election?—A. No, I do not; only he told me he should vote the Republican ticket.

Q. How did Boliver vote?—A. I don't know how he voted; he has never told me.

Q. Do you know how John H. Livingston voted?—A. No, I do not; he has never told me how he voted, but I have no doubt he voted the Republican ticket.

Q. You don't generally swear to things you don't know anything about?—A. No, sir; I do not.

In reply, by E. W. M. MACKEY, contestant:

Q. You stated that there were only a few white men connected with the Republican party in Orangeburg County; can you also state what is the cause of so few white men avowing themselves Republicans?—A. Because of the social pressure which is brought to bear upon them if they openly ally themselves to the Republican party. I would say

many white men would vote the Republican ticket who are looked upon as Democrats if it was not for this, generally speaking.

Q. There is, then, an ostracism exercised by white men towards white men who vote the Republican ticket, is there not?—A. There is.

Q. You were cross-examined at some length in regard to the management of the campaign by the Republicans in this county; now in the management of that campaign, did not the Republicans pursue the Tilden policy of a still hunt?—A. Yes; that is what I would call it.

Q. That is what you mean by a possum plan?—A. Yes.

Q. You were asked if by a possum plan you meant that the campaign was run through the churches; have the Republicans been in the habit of using the churches for political purposes?—A. Not to my knowledge.

Q. Does the law of this State require the votes to be counted in public?—A. I so understand it, and in 1876, when I was on the board of commissioners of election, the ballot-box for this precinct was taken in the large room of the court-house and there counted before all who desired to witness it.

Q. You were asked if you were not indicted and a true bill found against you for conspiring with Livingston and Keitt to interfere with the managers. Will you please state all the circumstances of that affair and what led to that indictment?—A. About six o'clock on the night of the election I went to the poll and noticed a large crowd there, and thought they had not yet closed the box. I left, and went back in about twenty minutes again, and there was still a large crowd standing around the poll. I went into the crowd and met Mr. Livingston, and enquired of him if they were counting the ballots. He said he didn't know what they were doing. I asked him if he had endeavored to secure a position for a Republican to witness the counting of the votes; he said that he had asked to be allowed to witness the count, and had been refused. It was impossible for me to go through three or four rows of men to the ballot-box, and I requested some one to reach over and call a man for me, and touch the shoulder of Mr. B. F. Thompson and asked him to turn around, I wanted to give him a message.

Q. Who was Mr. Thompson?—A. He was one of the State constabulary; this person did so, and I told Mr. Thompson please to ask the managers if myself and Mr. Livingston would be allowed in to witness the count. He did so, and returned the word to me that I would not be allowed in. I then fell back, and in doing so saw Keitt, who was standing near by. Keitt, Livingston, and myself then retired about fifteen steps from the poll, and I told Keitt to take his commission in his hand as United States marshal and to go with it and present it to the managers, and tell them as a United States marshal he demanded the right to discharge his duty in witnessing the counting of the votes. He left me with his commission in his hand. The next I heard was a great shouting as if they were killing him; there seemed to be a great many men jumping on Keitt or some one, and they were crying "Drag him to jail," "Kill him." Mr. Livingston and myself, after he had been dragged off a short distance, left, and did not go back again.

Q. Go on and state what led to your arrest and indictment after that affair.—A. The next day Keitt was arrested on the charge of trying to disturb the managers in counting the votes; he was released on bail, and his preliminary examination set for a week afterwards. On the day of the preliminary examination several Democrats were arrested by the United States marshal. After these parties were arrested, propositions were made by the Democrats that the thing be stopped, they saying we will arrest no more if you do not. If you choose to drop these cases,

and have nothing done with these parties, we will have no more arrested; if you don't we will arrest every Republican that we can bring any cause against for arrest. It was reported that Mr. Livingston, Mr. Straker, Mr. Arthur, and myself were to be immediately arrested. It was a day or two after that arrested with Mr. Livingston, on the charge of conspiracy.

Q. How long ago is it that the grand jury found a true bill against you on that charge?—A. I think it was the next term of the court here in January.

Q. How many sessions of court have been held since the election, including the term at which the bill was found?—A. Three.

Q. Have you ever been tried on that charge?—A. I have not. I stand ready to be tried at any time, and would be glad to have a trial.

Q. Please explain now the particulars in regard to your arrest for bribery alleged to have been committed in 1876.—A. About one month previous to the election of 1878 I was informed that Mr. Mount had been sent for by Gen. Izlar, chairman of the Democratic executive committee of the county, who desired to him come to his office to make some statement of which Gen. Izlar said he had heard about an understanding that Mr. Mount was to be appointed county auditor and myself county treasurer in 1876. At the time, I think I did write a letter to Mr. Mount, in which I told him of my desire to see him, and that whenever he came to town he must first come and see me, and that I knew of no transaction that was wrong in reference to his appointment or my own; that is about the substance of what I wrote him to the best of my recollection. I was arrested upon the affidavit of Mr. Izlar, on information and belief, charging me with bribery in the election of 1876; that I had made a compromise with Mr. Duncan, that if he would use his influence to secure my appointment as county treasurer, I would use my influence to have him elected as State senator. There was an understanding among all Republican leaders of this county that I was to be the county treasurer, and Senator Duncan, as well as all the other members of the legislature, indorsed an application for my appointment, and I was appointed by Gov. Chamberlain. The charge amounts to this, that I, who have always voted the Republican ticket, and am fully identified with the Republican party, was bribed to vote for the Republican nominee of this county for senator.

Q. When was the true bill found against you on this charge?—A. There never has been a true bill found.

Q. Have you never been indicted for this offense?—A. No, sir.

Q. When were you arrested?—A. I was arrested on the 30th of September, 1878.

Q. Had any bill ever been handed out against to the grand jury?—A. No, sir.

Q. At the time this charge was made against you, and you were arrested, was there any apparent object for your arrest?—A. None, except for the purpose of creating discomfiture among the Republicans, and for the purpose of preventing me from lending assistance to Senator Duncan, who was shortly before arrested, and thus induce Senator Duncan to resign and leave the position of senator vacant in this county.

Q. Were you not committed to jail, in spite of the fact that you were willing to give bail?—A. I was. I offered a bond, with Mr. Livingston and Dr. Hydrick on it.

Q. You were asked if you knew how T. K. Sasportas voted; have you not heard how he voted for Congressman?—A. I think he told me he voted for E. W. M. Mackey, and I have no doubt he did.

Q. Is it true that Mr. E. W. M. Mackey was unpopular with the Republicans in Orangeburg County?—A. He was not; he was popular with them.

(All of the above testimony is objected to by counsel for contestee as irrelevant, not responsive or in reply to the testimony introduced by the contestee.)

Deposition of Rev. Alonza Webster.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Orangeburg County:

Rev. ALONZA WEBSTER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. State your age, residence, and occupation.—Answer. I am in my sixty-second year; I reside in Orangeburg; I am a clergyman by profession, and am now presiding elder on the Port Royal district of the Methodist Episcopal Church.

Q. What portions of the State are included in your district?—A. My present district embraces the territory running west of the Edisto, and goes as far north as Lexington and Edgefield Districts, and it takes in west of the Edisto, to the Georgia line, and south clear down to Beaufort County, and a portion of the islands, and also takes in Charleston City.

Q. Is Charleston County within your district?—A. A large portion of it is in my district, and a large portion is in the Orangeburg District.

Q. Is that portion including the city of Charleston in your district?—A. Yes, and John's, James, and Wadmalaw Islands. I have churches on all those.

Q. Is the county of Orangeburg in your present district?—A. Only a small portion of it. I have a church at Bull Swamp, and also one at Pleasant Branch. I have three circuits at least in this county: The Bull Swamp circuit, the Edisto Forks circuit, and a portion of the Blackville circuit, which includes Pleasant Branch.

Q. Until recently, was not the whole of Orangeburg County in your circuit?—A. It was. I could not say all, for some portions of it had no churches, but all the churches in this county were under my charge.

Q. How long ago was this new circuit made?—A. It will be two years since I have been on the Port Royal district.

Q. Previous to that, did not the same district embrace Orangeburg County?—A. Yes.

Q. For how many years have you been living in Orangeburg County?—A. I have lived here since 1869.

Q. Is it customary for ministers of your churches to preach politics? (Objected to by counsel for contestee as leading and as irrelevant to the issue, and not competent to be proved in that way.)

A. It is not customary for the preachers of our churches to do it.

Q. Have you ever heard of any member of any of the churches under your charge being expelled or censured by their churches for having voted the Democratic ticket?—A. I never have, by any church congregation.

Q. If a member of any of your churches had voted the Democratic ticket would any other member be allowed to prefer charges in the

rch against him for so doing?—A. No charge of that kind would be entertained by our churches in their administrations.

Objected to by counsel for contestee as not in reply to the questions propounded.)

. Have you ever in any of your churches attempted to preach political sermons?

Objected to by counsel for contestee as leading.)

. I never have.

. Is it true that your church organization is used as an instrument helping the cause of the Republican party?

Objected to by counsel for contestee as leading.)

. It is not.

. Before you took charge of your new district, about how many churches did you have under your charge in Orangeburg County?—A. In the old district there were four circuits in Orangeburg County. I traveled it eight years, and after the first four years there were some changes. There were some changes before I traveled the other four years. At first there were in the district forty churches. I had about four or five churches in Orangeburg County on my last district.

. How many have you in your present district in Orangeburg County?—A. Four, I think. I will name them: There is the Bull Swamp circuit, the Edisto Fork circuit, and a portion of the Blackville unit. The Bull Swamp circuit has some three Sabbath appointments, the Edisto Fork circuit four, and the portion of Blackville circuit includes one church in Pleasant Branch. I don't know about county lines.

. That makes about eight churches in that portion of Orangeburg County now lying within your district?—A. Yes.

. How many churches in Charleston County within your district?—I keep minutes, and by looking them over I can tell. I have three churches in Charleston City, I have one church on James Island, one on Edamalaw Island, and three churches on John's Island.

. That makes eight churches within that portion of Charleston County in your district?—A. Yes.

. Have you ever attempted to assume political control over the members of the churches within your district?—A. I never have.

. Have you ever advised them that they should not vote the Democratic ticket?—A. Never.

. Do your churches mix up in political matters at all?—A. No; not much, they don't.

All the above testimony objected to by counsel for contestee as not being strictly in reply, and being new matter to which the contestee had the right to reply.)

Cross-examination by JAMES F. IZLAR, Esqr., counsel for contestee:

. Where did you say you were born?—A. I was born in the State of Vermont.

. When did you come to South Carolina?—A. In the fall of 1865.

. What induced you to come?—A. The authority of the church induced me to come.

. What church?—A. The Methodist Episcopal Church.

. African?—A. We have no African.

. Have you no connection with the African Methodist Church?—A. We have no connection with it; no organic connections with it.

. Of what church are you the presiding elder in this district that speak of?—A. The Methodist Episcopal Church.

. Colored?—A. We don't have any colored church.

Q. Have you any white members in any of these various churches ⁱⁿ Orangeburg County that you speak of?—A. Yes, there are some.

Q. How many?—A. I don't know how many. Our principle is to organize churches regardless of color, and those that wish to join are at liberty to do so. We have no colored churches, but we have a good many churches with colored members.

Q. How many white people belong to these churches of which you are the presiding elder?—A. I don't know.

Q. Don't you annually report the number of members you have in these churches?—A. The preachers in charge keep those figures; it is made their duty, finally, to return them to the conference.

Q. Have you not examined the statistics of your churches?—A. We make no distinction as to their color; that is, the record don't mark them "black" or "white."

Q. You attend camp-meeting sometimes?—A. I do, sometimes.

Q. You ever attended a camp-meeting at Limestone, in this county?—A. I never did.

Q. You never did?—A. No; never did by that name.

Q. An old camp-ground up on the Edisto road, near Mr. Wesley Colors.—A. I went to a camp-meeting on the Bull Swamp circuit; yes, I have attended at that place.

Q. Did you not attend it previous to the election of 1878?—A. Yes; that is what I call Canaan, and there is one I call Mill Branch, this side of Wesley Colors. I have attended a camp-meeting there.

Q. Have you preached there?—A. Yes; several times.

Q. During the canvass of 1878, or just previous to the election of 1878?—A. I think it was two years ago; yes, prior to the election of 1878.

Q. Will you please give me the character of your sermon you preached on that occasion?—A. I could not, unless I referred to my notes.

Q. Do you pretend to say that in that sermon you preached at Mill Branch you didn't introduce politics?—A. I did not in any shape or form.

Q. Did you talk any politics while you were there?—A. I do not talk politics in my sermons.

Q. Out of your sermons?—A. Nor out of them.

Q. You do not talk politics either in our out of your sermons?—A. I do not talk politics that I recollect of. I make it a point never to introduce party politics into any sermon.

Q. Do you pretend to say on your solemn oath that no political meetings were held in any church in your district during the last campaign?—A. I don't say that, but I don't recollect of any being held.

Q. Do you recollect the sermon you preached in Barnwell County a short time ago?—A. I preached several.

Q. You pretend to say in those churches under your charge in Barnwell County you did not preach politics?—A. I never preach politics in any church under my charge.

Q. You don't pretend to say you did not do it?—A. I pretend to say I did not do it. It is not my business to preach politics.

Q. You have taken a great interest in politics since you have been down here?—A. Well, I have been interested.

Q. Have not taken more interest in politics than a person in your occupation of life should take?—A. I think not; perhaps I have not taken as much as I ought to.

Q. Will you tell me how many square miles your district contains?—A. I could not tell.

- Q. About how many?—A. I have no idea. I have never made any calculation about it.
- Q. How far is it from here to Charleston?—A. Very near 80 miles.
- Q. How far to your farthest church in Barnwell County?—A. I have marches on the Port Royal Railroad. Those at Allendale and Brun-
l are the most distant ones there.
- Q. How far is it from Orangeburg to the farthest church you have in arleston County, either on James Island, John's Island, or on Wadama-
r?—A. The farthest, I should judge, is about fifteen miles from arleston.
- Q. About ninety-five to one hundred miles in all?—A. Probably.
- Q. How far is it from Orangeburg to the farthest charge you have in kington County?—A. About 35 or 40 miles.
- Q. Then, from the farthest charge in Lexington County would be an ent of country ranging one hundred and thirty to one hundred and ty miles?—A. Probably.
- Q. You have been traveling within this range of country for how ny years?—A. I have been traveling on this present district about o years.
- Q. The previous district, did it contain as large an area as this?—A. obably larger.
- Q. You have been traveling in these two districts, with the changes i speak of, for the past eight years?—A. Yes.
- Q. Have you ever been interfered with, or interrupted in all those vels you have been on?—A. I have been interfered with sometimes.
- Q. Please state, when, and where, and how often.—A. I was insulted coming down from Columbia in company with Dr. Cooke, by some rties, but I don't know all their names.
- Q. I want all the times?—A. I have been insulted several times at anchville as I have been passing.
- Q. Anywhere else?—A. I was insulted on the cars previous to this sion that I have mentioned, when I was with Dr. Cooke, when I s going from Columbia to Charleston, by persons I understood resided Charleston.
- Q. Any others?—A. Those are the principal places and times.
- Q. Will you please state the nature of the insults you received at anchville those several times?—A. I was called "a white negro," "a gro preacher," and asked when was I going to stop preaching to the groes, and a good deal of abusive language of that sort.
- Q. Do you consider it was an insult to be told you were a preacher to colored race?—A. To be told so in the way I was told by these sons. They used a great deal of abusive and insulting language.
- Q. You stated that the language they used was that you were "a ite negro," "a negro preacher," and asked you when you were going stop preaching to the negroes; do you think it is an insult to be called "negro preacher"?—A. In the way these persons did it I do, because y did it to insult me; they did it for no other purpose but to insult
- Q. The other time that you were going from Columbia to Charleston, en that man that you understood was from Charleston insulted you, at did he say?—A. He said I was a damned Northerner and ought to kicked out of the State. I understood he was from Charleston.
- Q. Was he sober?—A. He didn't act as though he was. I think he st have been drinking.
- Q. About this time coming from Columbia, when Dr. Cooke was ard the cars, state the nature of that insult.—A. They got into my

seat and called me a damn Radical, and said they would throw me off the cars.

Q. Anything else?—A. They called me other unpleasant names and treated me very unhandsomely.

Q. Were they drunk or sober?—A. I didn't see them drinking, but they acted as if they had been.

Q. Can you tell a drunken man?—A. Not always.

Q. But they acted as though they were drunk?—A. They acted as if they had been drinking whisky or something else.

Q. You suffered any bodily violence from any of these troublesome fellows you met?—A. One fellow threatened to lick me, but he didn't do it. I told him it was more than he dared to do.

Q. In your stay in South Carolina, these are all the occurrences that have taken place of an insulting nature that you have stated?—A. I could not say they were all, but the most prominent ones.

Q. I would like to have the others, if there are any others?—A. Those are the most prominent cases that I can now recollect.

Q. Since you have been in this State?—A. Yes.

Q. You go night and day on your district?—A. I do travel some nights.

Q. And have been ever since you have been in South Carolina?—A. Yes, more or less, night and day; railroading and private conveyancing both.

Deposition of F. M. Millett.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Orangeburg County:

F. M. MILLETT, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your age?—Answer. I will be 31 in a few days.

Q. Where do you live?—A. In the town of Orangeburg.

Q. Where were you on the day of the last general election?—A. At Griffin's.

Q. Have you ever told anybody you voted the Democratic ticket?—A. No, sir.

Q. Did you vote the Democratic ticket?—A. I did not.

Q. What ticket did you vote?—A. I voted the Republican ticket.

Q. Did you do anything to make anybody infer that you had voted the Democratic ticket?—A. One of the constables was sitting by the box; he picked up a ticket and asked me if I was going to vote; I said yes; he picked up the Democratic ticket and handed me it, and said, "Vote this ticket"; in stepping around I got the Republican ticket; I had the Democratic ticket in the left hand; I put the Republican ticket in my right hand and voted it.

Q. What did you say to him?—A. I did not say a word to him.

Q. Is that the reason you suppose that it was said you voted the Democratic ticket?—A. Yes, sir.

Q. What made you try to make him believe you voted the Democratic ticket?—A. For the purpose of getting inside to see the box; they had been keeping me out all day.

Q. Who was this State constable?—A. Cecil Edwards.

Q. This was at Griffin's, as I understand?—A. Some calls it Bull's Swamp, but the name is Griffin's.

- Q. Was Edwards on duty there all day as a constable?—A. He said so.
 Q. Was he armed?—A. He had a gun with him all day.
 Q. Did he have that gun at the poll?—A. Yes, sir.
 Q. Was the gun near the box?—A. Yes, sir.
 Q. Did you hear him make any remark about that gun?—A. He said ne, "I think this gun has done a great deal of good by my having ere to-day," and asked me what I thought of it. I told him I thought id.
 Q. Were any tissue ballots used at that precinct?—A. They were d, but I never saw them until after the box was opened.
 Q. Were there more ballots in the box than names on the poll-list?— There were more ballots in the box than names on the poll-list.
 Q. Were any tickets drawn out of the box in excess?—A. After being nted?
 Q. Yes.—A. Yes, sir.
 Q. How many?—A. One hundred and thirty-three or one hundred l thirty-four.
 Q. Were they mostly Republican or Democratic tickets?—A. Mostly plicans.
 Q. Were any tissue tickets drawn out?—A. Between three and four; over four, I am certain of that.
 Counsel for contestee objects to all the foregoing testimony on the und that it is not in reply.)

Cross-examination by J. F. IZLAR, Esqr., counsel for contestee:

- Q. Did you help count the ballots?—A. No, sir; I could not help nt them, because they would not allow me. I only had my private nt.
 Q. Did you handle any of the ballots?—A. No, sir.
 Q. How many tissue ballots were in the box?—A. One hundred and y-four; there was a little over 154; there was some folded together t were destroyed.
 Q. How many tissue ballots were in the box?—A. After they had nted the tickets and destroyed those folded together there were 154 ue tickets left.
 Q. How many ballots all told were in the box?—A. That is some-
g I knew, but have forgotten; there was 666 if I am not mistaken.
 Q. How many names were on the poll-list?—A. I did know, but have gotten.
 Q. Is that a large poll?—A. They generally poll between four and hundred votes.
 Q. Did Mr. Edwards have that gun in his hand all day?—A. Yes,
 Q. Keep it in his hand all day?—A. Yes, sir; if he put it out his ds once, it is more than I know; I did not see him do it.
 Q. He didn't attempt to shoot anybody, did he?—A. No, sir.

Deposition of E. F. Aiken.

he matter of the contest of E. W. M. Mackey against M. P. O'Connor.

TE OF SOUTH CAROLINA,
Orangeburg County :

. F. AIKEN, a witness of legal , produced by contestant upon due ce to contestee, deposes as follows in reference to questions pro-nded by the contestant:

uestion. Were you the Republican supervisor at Jamison's?—An-
 r. Yes, sir, I was.

Q. Did you refuse to sign the certificate of election of the number of votes cast at that precinct?—A. Yes, sir, I did.

Q. Is it true you would have signed it, but for outside pressure?—A. There was no outside pressure. That was not the reason I did not sign the returns.

Q. Why did not sign the returns?—A. There were only two kinds of tickets voted that day, but when we counted the tickets it turned out that there were more than two kinds. When we went to count the tickets, tissue tickets were found in the box, and nobody had seen anybody vote them, and did not know who had voted them. And the tickets in the box turned out more than the names on the poll-list.

Q. Were those the chief reasons that induced you not to sign those certificates?—A. Yes, sir.

Q. Was there any outside pressure that caused you not to sign it?—A. No, sir, none in the world.

Q. Is it true that a colored man cannot vote the Democratic ticket in Orangeburg County without being expelled from his church?—A. Not to my knowledge it is not. We have some in our church that voted the Democratic ticket, and one is a preacher.

Q. What church do you belong to?—A. The Baptist Church.

Q. Do I understand you to say there some men in your church that voted the Democratic ticket?—A. Yes, sir, and that one is a preacher.

Q. Who is he?—A. Thomas Johnson.

Q. Have the members of the church ever attempted to turn him out of the church or prevent him from preaching because he voted the Democratic ticket?—A. Not to my knowledge.

Q. Have these men that voted the Democratic ticket ever been brought up and expelled from the church because they voted the Democratic ticket?—A. Not to my knowledge, and I am clerk of the church.

Q. Are they treated any different from other members of the church?—A. Just the same; some outside boy may attempt to go for them.

Q. I mean inside the church?—A. No, sir; not inside the church.

Q. Is it true that a colored man cannot vote the Democratic ticket in Orangeburg County without the fear of being mobbed or beaten by other colored men?—A. I don't know about that. I have heard some men say they would vote that way, but they were afraid that the other colored men would whip them, but I don't know that it is a fact.

Q. You never heard of anything of this kind happening?—A. No sir; not to my knowledge.

(Counsel for contestee objects to all the foregoing testimony on the ground that it is not in reply.)

Cross-examination by W. I. DE TREVILLE, counsel for contestee

Q. What do you mean by boys making these attempts or threats upon Democratic voters; do you mean little boys?—A. I mean young boy about 18 years of age; I don't mean a man—a man is 21 years of age—they would threaten they would whip them about it, but they never done anything to them.

Q. What threats did you hear colored men making about it, as to colored men voting the Democratic ticket?—A. I heard about these threats but don't know about them of my own knowledge.

Q. Were you at the poll all the time?—A. Yes, sir.

Q. Did you see every man that voted?—A. Yes, sir. I saw every man that voted. I was there from six o'clock in the morning until the polls closed.

Deposition of P. T. Berwick.

he matter of the contest of E. W. M. Mackey against M. P. O'Connor.

TE OF SOUTH CAROLINA,

Orangeburg County :

. T. BERWICK, a witness of legal age, produced by contestant upon notice to contestee, deposes as follows in reference to questions propounded by contestant:

uestion. Were you the Republican supervisor at Ayers' precinct, Orangeburg County, at the last general election?—Answer. Yes, sir.

. Were you instructed by any one not to sign the returns?—A. I not. I used my own judgment about it because I thought there fraud about it.

. Your failure to sign the returns was not from instructions you had ived from anybody?—A. No, sir; not at all.

. When the votes were being counted did you see all the votes that in the box?—A. Yes, sir.

. Were there any scratched tickets in that box?—A. I never saw and I was there after they came out of the box.

. Were there any cut tickets in that box?—A. One Democratic et was cut.

. Is it true that a large number of Republicans at that precinct tched the name of Mr. Mackey off their tickets and refused to vote him?—A. Not one to my knowledge; they voted for him solidly.

. Is it true that Mr. Mackey was very unpopular among the Republis at that precinct?—A. I never heard one man outside the Demo-s speak against him.

. As I understand you all the tickets in the box were straight tickets pt the one that was cut?—A. Except the one that was cut.

. On both sides?—A. Yes, sir.

. Did the colored people at that precinct generally vote the Repub-1 ticket?—A. Yes, sir.

. Did many of them vote the Democratic ticket?—A. Not very y; a few.

Could you generally tell what kind of ticket they were voting?— Yes, sir; I think there was a difference in the size, the Republican et was some wider.

'ounsel for contestee objects to all of the foregoing testimony on the nd it is not in reply.)

Cross-examination by W. I. DE TREVILLE, counsel for contestee:

. Were you at the poll all day?—A. Yes, sir.

. Saw every vote put in?—A. Yes, sir.

In reply by E. W. M. MACKEY, contestant:

. Were you there when the polls were first opened?—A. I was not.

. How long after did you arrive?—A. There was some twelve min- difference between my watch and theirs when I got there.

. When you say you saw every vote put in the box, you mean every after your arrival?—A. Yes, sir.

Certificate of notary.

TE OF SOUTH CAROLINA,

Orangeburg County :

E. H. Hogarth, a notary public in and for the State of South Caro-do hereby certify that the foregoing depositions of J. L. Williams,

D. A. Straher, E. A. Webster, A. Webster, F. M. Maillette, E. F. Aiken, and P. T. Berwick were taken by me pursuant to notice of contestant and in accordance with the provisions of law, at Orangeburg Court-House, county and State aforesaid, the 1st and 2d days of December, A. D. 1879, between the hours of 10 a. m. and 6 p. m., the contestant being present in person and the contestee being represented by his attorneys, Messrs. J. F. Izlar, W. J. De Treville, and M. I. Browning, except during the examination of Jno. L. Williams, when no one was present to represent the contestee, although due notice of the time and place for examination of said witness had been duly given.

Given under my hand and official seal this 2d day of December, A. D. 1879.

[SEAL.]

E. H. HOGARTH,
Notary Public, So. Ca.

CLARENDON COUNTY.

Notice to take testimony in rebuttal.

STATE OF SOUTH CAROLINA,
Charleston County :

To Hon. M. P. O'CONNOR, *Charleston, S. C. :*

You will please take notice that I will examine the following-named witness relative to and in rebuttal of the evidence produced by you to support your answer to my notice to you that I would contest your right to a seat in the Congress of the United States to which you claim to have been elected at the general election held November 5th, 1878, for the second Congressional district of the State of South Carolina, before A. E. Philippy, esq., a notary public in and for the State of South Carolina, at No. 40 Broad street, city of Charleston, county and State aforesaid, on the 5th day of December, A. D. 1879, at 10 a. m., to wit, E. H. Hogarth.

Respectfully,

E. W. M. MACKEY -

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

E. H. Hogarth, a witness of legal age produced by contestant in rebuttal upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. State your age, residence, and occupation.—Answer. ~~29~~ years of age; residence, city of Charleston; and occupation, stenographer.

Q. In the case of the United States *vs.* J. M. McKnight, R. R. Dingell, and R. L. Billups, indicted for neglect of duty as managers, which was tried in the United States circuit court at the November term, 1878, in Columbia, So. Ca., did you report the testimony?—A. Yes, sir.

Q. Is the manuscript handed you (handing witness Exhibit V) a correct transcript of your stenographic notes?—A. Yes, sir.

L. E. Ravenel, counsel for contestee, reserves for contestee any right object to the introduction of this evidence which may be found in law.)
E. H. HOGARTH.

worn to before me this 5th December, 1879.

[S.] A. E. PHILIPPY, *Notary Public.*

Certificate of notary.

TE OF SOUTH CAROLINA,
Charleston County :

A. E. Philippy, a notary public in and for the State of South Caro-
do hereby certify that the foregoing deposition of E. H. Hogarth
taken by me this fifth day of December, A. D. 1879, the contestant
g present in person and the contestee being represented by his coun-
H. E. Ravenel, esq.; and I do further certify that the paper here-
attached and marked Exhibit V, containing the testimony of J. M.
Knight, R. R. Dingle, and R. L. Billlops, were put in evidence at the
e time by the contestant.

ven under my hand & seal at Charleston, So. Ca., this 5th day of
ember, A. D. 1880.

EAL.]

A. E. PHILIPPY,
Notary Public, So. Ca.

EXHIBIT V.

UNITED STATES OF AMERICA,
District of South Carolina, fourth circuit :

In the circuit court November, 1878, term.

COLUMBIA, S. C., Dec. 5th, 1878.

before Hon. Hugh L. Bond, circuit judge, and Hon. George S. Bryan,
circuit judge, and a jury.

THE UNITED STATES }
vs. }
L. MCKNIGHT, R. R. DINGLE, R. L. BILLOPS. }

L. BILLOPS sworn for the defence.

Direct examination by E. W. MOISE, Esqr.:

uestion. Mr. Billlops, I desire you to state to this jury, as precisely
ou possibly can, why the votes in the box were not counted at the
ng precinct where you were a manager.—Answer. The first reason
that a part of the poll list was missing; the second reason was
myself and one of the other managers was sick. The clerk of the
ervisor had a portion of the list, and he denied having it, and said
he knew nothing about it.

You say the clerk of the supervisor denied having it when called
—A. Yes, sir.

Who was the clerk?—A. Henry Tindall.

What did you want with the poll list from him?—A. We wanted
roceed with the count; the number of votes in the box had to tally
the poll list before they could be counted.

Q. You demanded it of this last witness, Henry Tindall!—A. Yes, sir, and he said he had not seen it.

Q. How long after the time the voting ceased was that poll list returned by him?—A. At least five hours.

Q. Had the box been locked then?—A. I don't think it was.

Q. It was in the neighborhood of five hours before you got it back?—A. Yes, sir.

Q. How did you get the poll list back?—A. By threats.

Q. Who was your clerk?—A. W. W. Benbow.

Q. What did he say?—A. He first applied to the clerk of the supervisor, and told him if he did not produce it he would blow his damn brains out; afterwards he said he would hold the supervisor responsible for the poll list.

Q. What was your condition at the close of those polls?—A. I was unwell, I didn't sleep a wink the night before, and was suffering with neuralgia.

Q. Were you in a physical condition to enable you to count those votes after the poll list came back?—A. I don't think I was.

Q. You are not in good health any way?—A. No, sir.

Q. Why were not the votes counted the next morning as proposed?—A. Because the box was stolen from the house in the night.

Q. Who staid in the house that night?—A. No one.

Q. How was the box guarded?—A. The box was placed in the store where we held the poll; the front doors were barred and the other doors locked, and I had the key.

Q. (By Judge BOND.) The key to the door, you mean?—A. Yes, sir.

Q. What was the condition of things at the close of that poll at that store?—A. There was a great deal of confusion; they threatened that they intended to remain there all night to see a fair count; they threatened to break down the door if they were not admitted.

Q. Who made those threats?—A. The colored people.

Q. Was there a large crowd there?—A. Of colored people.

Q. How many white people there?—A. About twenty-five.

Q. How many colored people?—A. About one hundred.

Q. Who was the most excited?—A. The colored people.

Q. In the exciting condition of things did you consider it safe to open that box that night?—A. No, sir; I didn't owing to the drinking and rowing going on. I thought it would not be right to open the box that night.

Cross-examination by E. W. M. MACKEY, Esqr.:

Q. You say there was a good deal of excitement and drinking at the time the poll closed?—A. Yes, sir.

Q. If you had opened the box would the excitement have ceased?—A. Yes, sir.

Q. Was it because of that excitement that you did not open the box?—A. No, sir; that was not the reason; that was not the prime reason.

Q. What was the prime reason?—A. That part of the poll-list was missing.

Q. How much was missing?—A. One sheet.

Q. How many names were on the poll-list that was missing?—A. I don't know.

Q. Did you get back that missing sheet?—A. We did.

Q. About what o'clock did you get it back?—A. About 11 o'clock.

Q. What were you doing during those five hours?—A. Enquiring around. It may not have been so long.

- Q. How much shorter do you think it was?—A. I don't know.
 Q. Are you certain it was more than four hours?—A. I am not.
 Q. Was it more than five hours?—A. It may have been.
 Q. During those five hours what steps did you take to get that poll-list?—A. We made a demand of the supervisor.
 Q. At what time did you make the demand?—A. Immediately after the voting was through; when the time came to count we found the list missing.
 Q. What did Tindall say when you demanded it?—A. He said he hadn't seen it.
 Q. From whom did you finally get the poll-list?—A. From the supervisor.
 Q. To whom did he give it?—A. To the clerk.
 Q. From whom did he get it?—A. From Henry Tindall.
 Q. At that time was the supervisor still there?—A. Yes, sir.
 Q. After you got the poll-list what did the board of managers determine to do?—A. We decided amongst ourselves, owing to the state of excitement, that it was best to postpone the counting until next morning because of the feebleness of the managers.
 Q. You say the feebleness of the managers?—A. Yes, sir.
 Q. Who were they?—A. Mr. McKnight and myself.
 Q. Was your feebleness such as to not have admitted you going on to the count?—A. I suppose I could have.
 Q. Did any of the managers remain with the box that night?—A. No, sir.
 Q. Was any one left in charge of it?—A. No, sir.
 Q. You left it in the store by itself?—A. Yes, sir; there was a crowd of colored people around it.
 Q. How many around it?—A. Thirty or forty.
 Q. How far from the store?—A. About twenty steps.
 Q. How many doors are there to that store?—A. Two.
 Q. How were they locked?—A. One was barred and one was locked.
 Q. Who unlocked the store next morning?—A. I did.
 Q. And you looked for the box and it was missing?—A. Yes, sir.
 Q. Did the house have the appearance of being broken open?—A. No, sir; the window seemed like it had been prised open.
 Q. How was it fastened?—A. With a batten screwed on.
 Q. When did you discover that the window was open?—A. Soon after we discovered the box was missing; this man Gilbert Henry and myself first discovered that the window was open.
 Q. You say there was about twenty-five white men there?—A. Yes, sir; and about one hundred colored.
 Q. Are you certain there was not about the same number of both?—A. No, sir; there was not.
 Q. Amongst whom did the excitement exist?—A. Amongst the colored people.

In reply by E. W. MOISE, Esqr.:

- Q. Did you open that window and take that box out?—A. I did not.
 Q. Did you have anything to do with the extraction of that box?—A. I did not.
 Q. Did you leave a crowd of white or colored people there?—A. Colored people. I resided in the same yard where the store was. I went to my house and went to sleep.
 Q. Were the fires these people had in sight of your house?—A. Yes,

Q. Was it in sight of the building?—A. Yes, sir.

Q. Were they white or colored people there?—A. Colored.

Q. Did they remain there all night?—A. There were two colored men there when I got up next morning. I don't know whether they remained there all night or not.

Q. You said your condition was such that you might have made the count that night. I want you to say whether you were well or sick?—A. I had suffered very much from neuralgia all day.

Q. Had you been at the box from six until twelve o'clock that night?—A. Yes, sir.

Q. Did the supervisor concur or consent?—A. The supervisor said he was glad to hear of it; he was glad because he wanted to go home.

J. M. MCKNIGHT sworn.

Direct examination by E. W. MOISE, Esqr.:

Question. Were you one of the managers at this box?—Answer. Yes, sir.

Q. What was your condition as to your physical health at the time the last vote went into the box?—A. My health was very bad. I was suffering from chronic diarrhoea.

Q. Had you been there from two o'clock until six o'clock?—A. I went over to Dingle's, which is three or four miles from the voting precinct; we had started before day in order to open the polls in time; we got there and opened the polls with Billops. I was very unwell and had to excuse myself from the house during the day. At night I told them I didn't feel able to do it. The other managers said they would do all the counting, and that I should sit to the table and tally, but when the list was missing—I think it was ten or twelve o'clock before the poll-list was got.

Q. Were you present when the clerk, Benbow, got possession of the last sheet or two of the poll-list?—A. Yes, sir.

Q. Just state how he got it.—A. He called on Tindall for the poll-list. Benbow said, "I will break your damn neck if you don't bring it." He then turned to the supervisor and said, "If you don't produce that poll-list I will make you and your clerk responsible for it."

Q. How long was it after the polls closed that you got the poll-list?—A. Between four and five hours.

Q. What time was it when you gained possession of it?—A. Between eleven and twelve o'clock.

Q. Did you see Tindall when he brought that poll-list back?—A. Our clerk said he had brought it back.

Q. Did you see him when it was brought back?—A. Yes, sir.

Q. Was it later than 10 o'clock?—A. Yes, sir.

Q. Did that list show that it had been violently handled?—A. I think it was. A part of it was torn. My recollection don't serve me well enough to know whether one part was torn off altogether. It showed violence.

Q. I want you to tell why you did not count those votes after the polling?—A. When we got through polling the votes the list was ~~no~~ there. I felt able, and would ~~try~~ tried to get through with the counting; but it was kept away from us until 11 o'clock, and I didn't feel able to go into the count.

Q. You say you didn't feel able to go into the count when the list was returned to you?—A. No, sir.

Q. Were you physically able to count those votes after you got the poll-list that night?—A. No, sir; I was not.

- Q. Did you have anything to do with taking away that ballot-box?—
No, sir.
- Q. Who did you leave there that night when you left; white or colored men?—A. I remained there until about 12 o'clock. I think there was between seventy-five or one hundred colored persons around and out the building at that time.
- Q. At the closing of the polls what preparation did you make towards计ting those votes?—A. We were preparing the list to go into the tally.
- Q. What stopped you?—A. The clerk said there was one sheet of the tally-list that was missing that was given to Tindall or the supervisor.
- Q. What was the disposition to riot at that time—at the closing of the lists?—A. There was a rush to get into the house. For the benefit of self and Billlops, we concluded to go back into the back room, where there was a fire-place, and it was getting cold. We drew back to count votes; we opened the side door and one of the windows.
- Q. Were they ever shut up?—A. No, sir; not until we started out. I watched the window myself.
- Q. Was the window broken open next morning?—A. Yes, sir.
- Q. How was it broken open—by force?—A. Yes, sir; one of the panels was broken. It had the appearance of something run under it. The panel was two feet long, and about a three-inch screw to hold it.
- Q. Was that sufficient security for any country store or country house?—A. Yes, sir; I have used it for a store myself.
- Q. Did you have anything to do with breaking open that window, or taking away that ballot-box?—A. I did not.
- Q. Who was raising the row at the time of the closing of the polls, white people or colored people?—A. The colored people.
- Q. Did you hear any threats made use of?—A. I heard some threats outside of the door. I don't know that I could identify the persons who made them.

Cross-examination by E. W. M. MACKEY, Esqr.:

- Q. You heard some threats?—A. Yes, sir.
- Q. What kind of threats did you hear?—A. Shooting.
- Q. Shooting the managers?—A. No, sir.
- Q. Did you hear any threats against the managers?—A. No, sir; not against the managers.
- Q. You say it was about five hours after the polls closed when you arranged the poll-list?—A. Yes, sir.
- Q. When the poll closed what did you do?—A. The first thing we did we moved back to that room.
- Q. How much time did that consume?—A. About five minutes.
- Q. When you got through moving, what did you next do?—A. We proceeded to write out the names of the candidates on the tally.
- Q. How much time did that consume?—A. I suppose some half hour.
- Q. After you had arranged the tally list and moved back, what next did you do?—A. Before we commenced to arrange the tally list, some of the members had stepped out and remained out some fifteen or twenty minutes.
- Q. After they returned, you then arranged the tally list?—A. Yes,
- Q. How long did that take you?—A. About half hour.
- Q. What was the next step you took?—A. We then went to work to see how many names was on the list, then the clerk informed us that one sheet was missing.

Q. What did the clerk do then?—A. He then commenced to work to get this sheet from the parties he had loaned it to.

Q. Where was Tindall at that time?—A. He was outside.

Q. How long did Tindall take to come?—A. I don't know how long he took; I think it was about one hour before we found him.

Q. What did he then do?—A. He cursed him. He denied having the list; I think he said he had given it to me.

Q. Then he cursed him?—A. Yes, sir.

Q. Did Tindall then go and get the list?—A. After a while.

Q. How long after that did he get the list?—A. At least one hour.

Q. It was one hour before he got it?—A. More than that before he actually got it.

Q. How much more?—A. About one hour or two.

Q. You think it was about two hours before he got it?—A. I don't think so.

Q. Was it an hour and a half before he got it?—A. Yes, sir; after he cursed him he got it.

Q. You say it was about one hour and a half after he cursed him that he got the poll-list?—A. Yes, sir.

Q. Do you know whether it was nine, ten, or eleven o'clock?—A. I only guessed at it; I had no time-piece; I only approximated it when I got to my friend; I went directly from there to my friend, about a mile, and it was half past twelve o'clock when I got there.

Q. Did he have a watch?—A. Yes, sir.

Q. How long did you stay at the poll after the list was found?—A. A quarter of an hour.

Q. When the list was found, what action did the managers take?—A. They were going into the count; I was not able to, and we agreed to wait until morning.

Q. After coming at that conclusion, they left?—A. Yes, sir.

Q. Did you go anywhere yourself?—A. No, sir.

Q. Did you stop and converse with any of the other managers?—A. No, sir.

Q. With nobody else?—A. No, sir.

Q. Did you walk to this friend's house?—A. Yes, sir. When I got there, I immediately noticed the clock, and it was half past twelve.

Q. Did you retire to bed right off?—A. I staid up until he got some coffee.

Q. How long did you remain there before you went to bed?—A. About one hour.

Q. You slept with a friend the night before?—A. Yes, sir.

Q. You say the managers offered to let you keep the tally?—A. Yes, sir.

Q. Your physical health was such that you could not count the votes?—A. I considered it so.

Q. You say you knew it was your duty to count the votes in public?—A. Yes, sir. I had been a clerk of the board of managers before, and have been a manager before.

Q. You have been a manager at previous elections?—A. Yes, sir; but not since the war.

Q. When were you clerk?—A. When the election for governor between Green and Chamberlain came off.

Q. How did the managers proceed to count the votes on that occasion?—A. They didn't proceed until next day.

Q. How do you know that the votes were to be counted publicly?—A. I saw it in the instructions.

Q. Did you see any other thing in the instructions?—A. I saw that there.

Q. You say that the managers had to proceed immediately to count the votes?—A. I say that was the law.

Q. Was this excitement you have spoken about so great as to have prevent you from counting those votes?—A. No, sir.

In reply by E. W. MOISE, Esq'r.:

Q. You say you were manager of election in 1874 and clerk before the war?—A. Yes, sir.

Q. The managers at that time were Republican managers, were they not?

(Objected to. Objection sustained.)

Q. You say the votes in 1874 were not counted until next morning?—A. Yes, sir.

Q. So far as you know it was not objectionable to count the votes next morning?—A. No, sir.

Q. This was at Shorter's box?—A. No, sir; that was at Shorter's box, and this at Calhoun's.

R. R. DINGLE sworn.

Direct examination by E. W. MOISE, Esq'r.:

Question. Did you or did you not attend as manager at this box?—Answer. I did.

Q. When the polls closed at six o'clock in the evening, why did you not proceed to count the votes?—A. We went immediately back to the room, and I helped the clerk to fix out the list of candidates. After we got through he discovered that this last sheet was missing; there was considerable wrangling about it; we could not do anything at all until the sheet was found.

Q. How late was it when you did get it?—A. I think it was eleven o'clock at least.

Q. Was it a considerable lapse of time after the closing of the poll that you did get it?—A. The first I saw of it was Mr. Benbow walking towards the table with it.

Q. How late was that?—A. It was probably a half hour or one hour before we quit the establishment.

Q. When did you quit?—A. Half past eleven.

Q. You never have counted the votes since?—A. No, sir.

Q. Did you have any hand in taking away that box?—A. No, sir.

Q. Just state the condition of affairs when the polls closed?—A. There was considerable excitement; we thought it not prudent to go on with the count.

Q. Of what was it you had any apprehension?—A. When we attempted to close the door, and move the box back, a tremendous crowd rushed for it.

Q. Were there more colored than white people there?—A. I don't think more than ten or twelve.

Q. How many colored people there?—A. One hundred and fifty, about.

Q. Was there any liquor there?—A. Yes, sir; the Radical supervisor told me he was full all day.

Q. Was liquor pretty freely used that day?—A. I was not out there.

Q. Did you hear any threats used?—A. Not particularly.

Q. Did you hear anything said to show that there was trouble out there?—A. Yes, sir.

Q. What was there?—A. A report was circulated that the Democrats were 81 ahead.

Q. You didn't know whether it was so?—A. I couldn't know.

Q. That was what produced the excitement?—A. Yes, sir.

Cross-examination by E. W. M. MACKEY, Esq'r.:

Q. You say there was a report that the Democrats were 81 ahead?—
A. I don't know; I heard it.

Q. Was there any truth in that report?—A. I don't know.

Q. How many people voted there that day?—A. 703.

Q. How many colored?—A. About 500.

Q. How many white?—A. Balance, 203.

Q. How did the colored people vote there as a general rule?—A. I can't say.

Q. Did they vote the Republican ticket or Democratic ticket?—A. They told me they did.

Q. Did you see any vote the Democratic ticket?—A. No, sir.

Q. Was the excitement that was going on such as to deter you from going on with the count or to frighten you?—A. I was not frightened.

Q. Was that the reason you did not count the votes?—A. Yes, sir.

Q. You were healthy that day?—A. Yes, sir.

Q. You could have gone on with the counting?—A. Yes, sir.

Q. You say there was a good deal of drinking there that day?—A. I can't say, I know I took one or two.

Q. Did the others take anything to drink?—A. I didn't ask them.

Q. You took your drinks privately?—A. I took them with other gentlemen.

Q. About what o'clock did you leave there?—A. I live four miles; when I got home it was two o'clock. I rode rapidly. I staid there about a half or one hour and a half after the polls closed.

Q. Did Mr. Billups stay there?—A. He staid there about the last man, that was about one and a half hours after Mr. McKnight left us, I suppose.

In reply, by E. W. MOISE, Esq'r.:

Q. Do you know for certain about what time it was when you got home?—A. Yes, sir, and I didn't tarry on the road either.

Q. Did you see when that poll list was discovered?—A. I saw when Mr. Benbow came back with it.

Q. How long was it after the box had closed?—A. Four or five hours.

Q. What time do you suppose it was?—A. Near midnight.

Q. Until the sheet was discovered had you decided not to go on with the count?—A. No, sir.

CHRIST CHURCH PARISH.

Notice to take testimony in rebuttal at Four Mile Church, Christ Church Parish, Charleston County.

STATE OF SOUTH CAROLINA,
Charleston County:

To Hon. M. P. O'CONNOR, *Charleston, S. C.:*

You will please take notice that I will examine the following named witnesses relative to and in rebuttal of the evidence produced by you to support your answer to my notice to you that I would contest your right

seat in the Congress of the United States, to which you claim to
e been elected at the general election held November 5th, 1878, for
second Congressional district of South Carolina, before E. H. Ho-
h, a notary public in and for the State of South Carolina, at the
r Mile Church, Christ Church Parish, county and State aforesaid, on
3d, 4th, 5th, and 6th days of December, A. D. 1879, the examina-
of the witnesses to begin at the hour of 8 a. m. on December 3d,
, and to be adjourned from day to day until the examination of the
esses hereinafter named shall be completed, to wit: Isaiah Jones,
ar Robertson, Jno. Ancrum, Dawson Comer, July Major, Sam'l
re, Dan'l Springer, Edw'd Nelson, Cæsar Glover, Louis McBride,
o Collinton, Isaac Gathers, Peter McBride, Cato Gailliard, Simon
mons, Sam'l Porcher, Simon Mitchell, Mingo Green, Chance Fludd,
ohnay Lining, Henry Simmons, Moses Gailliard, Abraham Jenkins,
ies Alston, Louis Goodwin, Jas. Johnson, Martin Matthews, Bun-
Davis, Isaac Boderick, Rich'd Brown, Paul Swinton, Primus Glover,
ules Geddis, April Mark, Rob't Lovely, Jno. Geddis, Duke Good-
, Thos. Tunno, Scipio Green, Rob't Taylor, Jos. Poinsette, Cain Good-
Richard Barnett, Murray Polite, Flander Kinloch, Adam Lining
ry Graddock, Adam Drayton, Walter Hagan, Rob't Anderson,
ar Rivers, Jacob Swinton, Chas. Washington, Rich'd Gadsden,
y Green, Geo. Washington, Jas. Campbell, Primus Gailliard, Wm.
gleton, H. Grant, Edw'd Alston, Geo. Frederick, Thos. McCall,
am Deas, Edw'd Bryan, Friday Bennett, N. Hamilton, Jno. Camp-
Benj. Johnson, Sam'l Mitchell, Rob't Williams, Thos. Seabrook,
e Williams, Friday Ward, Joe Seabrook, E. M. Hamilton, Poladore
mons, Sandy Bailey, Israel Anerum, Shem White, Cuffee McBride,
ce Collinton, Rob't Jones, Dandy Williams, Jos. Gailliard, Jno.
sher, Jno. Washington, Benj. Polite, Mitchell Wilson, Limus Davis,
l Simmons, Benj. Heyward, Wm. Gailliard, Cato Doiley, Sam'l
ton, Jacob Wilson, Primus Gathers, Jack Matthews, Thos. Gilbert,
l Gillins, Sam'l Holmes, Sam'l Simmons, Adam Nicholas, Henry
ler, Peter Holmes, Jacob Bonneau, Scipio Gillins, Adam Simmons,
s. Hopkins, Jos. Nelson, Chas. Campbell, Boston Butler, Isaac Wig-
Abram Williams, Paul Seabrook, Chance Wright, London Fludd,
s. Edwards, Jno. Grant, Nero Washington, Kent Robinson, Quintus
er, Titus Brown, Lawyer Stewart, David Deas, Gatlin Edwards,
ah Washington, Frank Button, Abram Alston, David Diall, Wm.
nt, Chance Milligan, Jno. Geddis, Gibbie Greer, Scipio Deveaux,
ice Coaxsum, Fortune Reed, Silas Blank, Thos. Manigault, Abram
wn, Frank Jefferson, Israel Singleton, Jos. Small, Wm. Cohen,
io Holmes, Jno. Gillins, Sam'l Holmes, Frank Faulkner, Tim Tyall,
l. Minott, Edw'd Brown, Peter White, sr., Frank Simmons, Jos.
ley, Rob't Smith, Edw'd Robinson, Miles Wright, Wm. Washington,
ris Rivers, Flander Duncan, June Vanderhost, Geo. Howard, Rich'd
mer, Aaron Williams, London Holmes, Jos. Yates, Jos. Jones, Jas.
skins, B. Parker, H. Hamilton, W. Simmons, Fred Ford, Benj. Scott,
s. Wilson, S. Ferguson, Edw'd Smalls, Solomon Wright, Jno. Mitch-
Wm. Wilson, Caleb Alston, Rich'd Yeadon, Jos. Green, Thos. Platt,
Rob't Clark.

Respectfully.

E. W. M. MACKEY.

STATE OF SOUTH CAROLINA,
Charleston County:

Personally appeared G. M. Magrath, who, being duly sworn, says that this day, at 10.10 a. m., he served Mr. M. P. O'Connor personally with a copy of the foregoing notice.

G. M. MAGRATH.

Sworn to before me this 29th day of Nov., A. D. 1879.

E. H. HOGARTH,
Notary Public.

Subpæna writ for witnesses.

STATE OF SOUTH CAROLINA,
Charleston County:

To Isaiah Jones, Cæsar Robertson, Jno. Anerum, D. Comer, July Major, Sam'l Moore, Dan'l Springer, Edw'd Nelson, Cæsar Glover, Louis McBride, Isaac Collinton, Isaac Gathers, Peter McBride, Cato Gailliard, Simon Simmons, Sam'l Porcher, Simon Mitchell, Mingo Green, Chance Fludd, Stephney Lining, Moses Gailliard, Abram Jenkins, Jas. Alston, Lewis Goodwin, Jas. Johnson, Bunkey Davis, Isaac Boderrick, Richard Brown, Paul Swinton, Primus Glover, Hercules Geddis, Rob't Loveley, Jno. Geddis, Duke Goodwin, Thos. Tunno, Scipio Green, Rob't Taylor, Jos. Poinsette, Cain Goodwin, Rich'd Barnett, Murray Polite, Flander Kinloch, Adam Lining, Harry Graddock, Adam Drayton, Walter Hagan, Rob't Anderson, Cæsar Rivers, Jacob Swinton, Chas. Washington, Rich'd Gadsden, Jerry Green, Geo. Washington, Jas. Campbell, Primus Gailliard, Wm. Singleton, H. Grant, Edw'd Alston, Geo. Frederick, Thos. McCall, Abram Deas, Edw'd Bryan, Friday Bennett, N. Hamilton, Jno. Campbell, Benj. Johnson, Sam'l Mitchell, Robt Williams, Thos. Seabrook, Isaac Williams, Friday Ward, Joe Seabrook, E. M. Hamilton, P. Simmons, Sandy Bailey, Israel Anerum, Shem White, C. McBride, Prince Collinton, Rob't Jones, D. Williams, Jos. Gailliard, Jno. Porcher, Jno. Washington, Bery Polite, Mitchell Wilson, Limus Davis, Sam'l Simmons, Benj. Heyward, Wm. Gailliard, Cato Doiley, Sam'l Swinton, Jacob Wilson, Primus Gathers, Jack Matthews, Thos. Gilbert, Sam'l Gillins, Sam'l Holmes, Sam'l Simmons, Adam Nicholas, Henry Butler, Peter Holmes, Jacob Bonneau, Scipio Gillins, Adam Simmons, Thos. Hopkins, Jos. Nelson, Chas. Campbell, Boston Butler, Isaac Wigfall, Abram Williams, Paul Seabrook, Chance Wright, London Fludd, Thos. Edwards, Jno. Grant, Nero Washington, Kent Robinson, Quintus Faber, Titus Brown, Lawyer Stewart, David Deas, Gatlin Edwards, Josiah Washington, Frank Button, Abram Alston, David Diall, Wm. Grant, C. Milligan, Jno. Geddis, Scipio Deveaux, Prince Coaxsum, Fortune Reed, Silas Blank, Thos. Mangault, Abram Brown, Frank Jefferson, Israel Singleton, Jos. Small, Wm. Cohen, Scipio Holmes, Jno. Gillins, Sam'l Holmes, Frank Faulker, Zim Fyall, Wm. Minott, Edw'd Brown, Peter White, sr., Frank Simmons, Jos. Stoney, Rob't Smith, Edw'd Robinson, Miles Wright, Wm. Washington, Morris Rivers, Flander Duncan, June Vanderhorst, Geo. Howard, Rich'd Toomer, Aaron Williams, London Holmes, Jos. Yates, Jos. Jones, Jas. Hopkins, B. Parker, H. Hamilton, W. Simmons, Fred. Ford, Benj. Scott, Elias Wilson, S. Ferguson, Edw'd Smalls, Solomon Wright, Jno. Mitchell, Wm. Wilson, Caleb Alston, Rich'd Yeadon, Jos. Green, Thos. Platt, and Rob't Clark:

You and each of you are hereby summoned to appear before me at the Four Mile Church, Christ Church Parish, county and State aforesaid, on the fourth and fifth days of December, A. D. 1879, at 8 o'clock a.m., to be then and there examined under oath by me respecting the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the 6th Congress of the United States.

Herein fail not on pain of the penalties that will fall thereon.

Given under my hand and official seal at Charleston, So. Ca., this 29th day of November, A. D. 1879.

[SEAL.]

E. H. HOGARTH,
Notary Public, State of So. Ca.

CHARLESTON COUNTY.

Deposition of Benjamin Heyward.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

BENJAMIN HEYWARD, a witness of legal age produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. What is your age?—A. Answer. I am 36.

Q. Where do you live?—A. Woodland, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Had you voted the Democratic ticket would you now be afraid to acknowledge it?—A. No, sir.

Q. Is it true that a colored man cannot vote the Democratic ticket in his parish without the fear of being mobbed, beaten, or otherwise ill treated by the other colored people?—A. I never saw any mobbed yet; man is liable to do as he pleases.

Q. If you had voted the Democratic ticket, is there any reason why you should conceal it?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of his witness at this stage of the proceedings, upon the ground that it is impervious with the evidence produced by contestant in his original case and should have then been introduced, and is not legally in perty to the answer of contestee.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Can you read?—A. No, sir.

Q. How do you know, then, you voted the Republican ticket?—A. I read it read.

Q. How do you know Mr. Mackey's name was on it?—A. Those that read it told me so.

Q. That is all you know about it?—A. That's all I know about it.

Q. For what office was Mr. Mackey then running?—A. Congressman.

Q. You say there is nothing like social or church pressure raised
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against those who vote the Democratic ticket amongst the colored people!—A. I never seen any yet.

Q. Have you not heard of instances of their being abused?—A. I have never heard of any.

Q. Don't you know that some of the women at times have been very violent against the black men who vote the Democratic ticket?—A. I heard talk of it, but never seen it. I don't know whether they are against them for voting the Democratic ticket or not.

Q. I want you to give me your judgment; don't you think there is some foundation for that talk?—A. I didn't see any foundation.

Q. You never saw any yourself?—A. No, sir.

Q. It has been so currently reported, there must have been some grounds for it, must there not?—A. They so talked it, and there must have been some grounds for it, I suppose.

Q. In 1876, did they not use to make it a little rough for Democrats?—A. I don't know.

Q. That is the time Hampton first ran?—A. I voted then; I never saw it.

Q. How long have you been living in Christ Church Parish?—A. I have been in Christ Church Parish thirteen years.

Q. Have you always been a Republican?—A. Yes, sir; from the commencement.

Q. Do you know of any of the black people over here voting the Democratic ticket in 1878?—A. I don't know whether any did or not. I heard that some did, but I did not see any vote it.

Q. You heard that there was some that did?—A. Yes, sir.

Q. It was reported to be quite a number?—A. So they say; but I didn't see any myself.

Q. You don't know now who did?—A. No, sir.

Q. Have you ever heard politics preached in the churches?—A. The politics I heard preached didn't have any influence.

Q. What did you hear preached?—A. What I heard was that every man should vote according to his own opinion; and I used my own about it.

Q. Was there nothing that conveyed the idea that the men ought to vote the Republican ticket?—A. According to my idea I thought a man was right to vote for his rights, from the way they preached.

Q. The impression left on your mind was that the Republican ticket was the one black people ought to vote?—A. Yes, sir.

Q. That is what your preachers told you?—A. That is what mine told me.

Q. Do you think men would be put out of the church for not voting it?—A. I don't know. I have not seen any put out yet; not in my presence.

Q. You don't know whether there are any in your church who voted the Democratic ticket?—A. No, sir. I don't know that there is.

Q. So far as your observations go there are not any?—A. I cannot say whether there is or not, because I don't know.

Q. Would you like a church brother of yours to vote the Democratic ticket?—A. He can do as he pleases; if he chooses to act his opinion through he can do it. I have nothing to do with it; he has his own opinion.

Q. Are you a member of any church?—A. Yes, sir; so said to be.

Q. How long have you been a member?—A. I have been a member 10 years.

Are you an exhorter in the church?—A. I have never exhorted in church, but exhorted in classes.

You are a class teacher?—A. So said to be.

All the doctrines you get from your preacher you disseminate to classes also?—A. Yes, sir.

Have you given your class any political advice?—A. No, sir.

Have you not heard of instances of men being put out of the church on account of politics, although you have not seen any put out?—I have not seen any put out yet. Men sometimes will get up and tell the people against this man or that man. I heard that myself.

Tell us what you heard.—A. I heard men in our class meetings speak and say this man says you must do this and that, and that man you must do this and that; but I could not see any sense in it. I think a man should do what he wants to do, and let other men's business alone.

Were not those men that were talking Republicans?—A. I don't know what they were. I could not say they were, or I could not say they were not.

To what race do you belong?—A. I belong to the African race; black man's race.

What ground have you for voting the Republican ticket?—A. Because I belong to the Republican party.

You think that is where the black men properly belong?—A. I think so. All I have found out, or ever learned, is through the Republicans. The first vote I ever cast the Republicans gave me the right to vote.

You think you are doing God service by voting the Republican ticket?—A. I think I am. They tell me there are two roads; he that takes the broad road is lost. If I go outside the Republicans I will go back on myself. I took an oath not to go back on them.

When did you take that oath?—A. When I first came into the Republican ranks.

What was the form of the oath?—A. I don't remember now.

Where did you take it?—A. At a place called Roanoke, North Carolina, near the Neuse River.

You took it when you went into the Army?—A. When I came into the Union lines, I went in a boat and took it.

You understood by that oath of allegiance you took that you must support the Republican party?—A. Yes, sir. The men who gave me the oath told me I must abide by the Republicans; if not I would be going, and that I don't expect to do.

That oath said you must support the Constitution of the United States?—A. Yes, sir.

And you think that oath means Republicanism?—A. I think so.

You then understand the United States to be the Republican party?—A. I so understand it as far as my understanding allows me to.

Do you think God is a Republican?—A. I consider God a right just man.

God is not a man?—A. He is a Spirit, the same thing.

In reply by E. W. M. MACKEY, contestant:

As I understand you, the only politics you ever heard preached in church was that every man ought to vote according to the dictates of his own conscience?—A. That is all I heard.

Did the preachers ever attempt to tell the people to vote for either Republican or Democratic party?—A. No, sir; that I never heard.

Q. Did you ever hear them preach that colored people must all vote for the Republican party?—A. I always heard them preach that there were two roads, and he that walks the broad road is lost.

Q. To what church do you belong?—A. To the Four Mile Church.

Deposition of Friday Ward.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

FRIDAY WARD, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. About 60.

Q. Where do you live?—A. Woodland, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. I voted for Mr. Mackey for Congress.

Q. Did you vote more than one ticket?—A. No, sir; but one ticket.

Q. Were there any small Democratic tissue tickets inclosed within the ticket you voted?—A. No, sir.

Q. If you had voted the Democratic ticket would you be afraid to acknowledge it now?—A. No, sir.

Q. Had you voted it is there any reason why you should be afraid or ashamed to acknowledge it?—A. If I had voted it I would acknowledge it.

Q. Is it true that a colored man in this parish cannot vote the Democratic ticket without being mobbed, insulted, or injured by the other colored men?—A. I never saw it done yet.

Q. From whom did you get the ticket you voted?—A. Anthony Summersill. I got him to read it for me and he read several names to me.

Q. If you were to see the Republican and Democratic tickets now, could you distinguish one from the other?—A. Oh, yes, sir.

Q. Select from these two (handing witness Republican and Democratic tickets) the Republican ticket.—A. This is the Republican ticket (witness selecting Republican ticket, marked exhibit).

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. To what race do you belong?—A. To the black race.

Q. Do you belong to any church?—A. Yes, sir; to Olive Branch Church.

Q. Can you read?—A. No, sir; I never had time to learn. My mother and father had no time to give me an education, but they learnt me the Lord's Prayer.

Q. You say you never had time to learn when your master owned you?—A. No, sir; my mother and father had no time either. You yourself would not have had an education if your mother and father didn't give it to you.

Q. It has been about 13 or 14 years since you were free. Why have you not learned since then?—A. I didn't have time; I have been studying how to fix my children.

Q. Whether a man is free or a slave, he has to work?—A. Yes, sir; he cannot live except by working. If a man wants to live honest, he has got to work.

Q. Speaking about the ticket you voted; all you know about that

ket is what some one told you?—A. Yes, sir. When you catch hold a ticket you must know what ticket you are going to vote. I knew name on my ticket but Mr. Mackey's, for Congress.

Q. What is Mr. Mackey's full name?—A. I cannot recollect his full name.

Q. All you know is that his name is Mackey?—A. Yes, sir.

Q. Is there not also a Judge Mackey?—A. I don't know any Judge Mackey.

Q. Do you think there has been any abuse of colored men for voting Democratic ticket?—A. No, sir.

Q. Was there not some of it in 1876?—A. No, sir.

Q. Didn't hear of any?—A. No, sir; I never heard of any.

Q. Why shouldn't a man vote the Democratic ticket?—A. You and Mackey are both white men. Mr. Mackey desires to be a Republican, and you a Democrat. If a man desires to vote the Democratic ticket, let him do so, but I desire to vote the Republican ticket.

Q. Have you not heard of colored women talking against colored men voting the Democratic ticket?—A. No, sir. Why should they do it? Women have nothing to do with voting matters.

Q. Some colored men said in the city that the women sometimes kick a hullabaloo about it.—A. Might be in the city, but not in this town.

Q. Do you know if there are any colored Democrats in this church?—I don't know.

Q. You have said that if you had voted the Democratic ticket you would not be afraid to acknowledge it?—A. No, sir; I would not.

Q. You didn't vote it, so that there is no need for you to be afraid?—I didn't vote it, and if I did I wouldn't be afraid to admit it.

Q. You wouldn't admit openly that you are influenced by fear at all?—Why should I if I voted the Democratic ticket? I wouldn't be afraid. I say I didn't vote it. If I vote the Democratic ticket it is my desire, and if another votes the Republican ticket it is his desire. I ain't going to be afraid to admit what I did. I didn't vote the Democratic ticket, and no money could have made me do it; but if I did, I would, I did so.

Q. Not having voted it, you have not been tried whether you are afraid or not?—A. No, sir.

Q. Have you ever heard politics mentioned in the church?—A. I don't know what politics has to do with the church.

Q. You don't think it right to preach politics in the church, because the church is for religion; but one of the preachers—Mr. Dart, a colored teacher—whom we examined in Charleston, said he had heard politics preached in the church. Now, I want to know if you heard anything of that kind over here.—A. Not in this church. I am not going to sit under a man who preaches politics.

Q. Have you ever taken an oath to vote for the Republican party?—When I was first registered, I took my oath that I would never rebel against the State.

Q. Do you consider the Republican party the State?—A. No; the Republican party is not the State. I will show you one thing again. The Republican party gave me my rights. The State is a State. We are all in the State.

Q. Do you consider that oath as binding you to vote for the Republican party?—A. I vote according to my feelings; I vote as I wish. If I choose to vote the Republican ticket, I vote it, and if I choose to vote the Democratic ticket, I vote it.

Deposition of Robert Anderson.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ROBERT ANDERSON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Q. Question. How old are you ?—A. Answer. I am in my 33rd year.

Q. Q. Where do you live ?—A. Woodland, Christ Church Parish.

Q. Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Q. What ticket did you vote ?—A. The Union Republican ticket.

Q. Q. Whose name was on your ticket for Congress ?—A. I really cannot tell now whose name was on it, but I am satisfied I voted the Union Republican ticket.

Q. Q. Can you read ?—A. Not much.

Q. Q. Did you read your ticket ?—A. A portion of it.

Q. Q. Could you read enough to read the names on it ?—A. Some of them.

Q. Q. Examine that ticket and see if that is the ticket you voted (handing witness the Republican ticket marked exhibit R).—A. No sir; I don't think that is the ticket I voted.

Q. Q. Read it first before you answer.—A. (Witness reading.) The Union Republican ticket ; for Congress, 2d district, E. W. M. Mackey.

Q. Q. Is that the ticket you voted ?—A. Yes, sir.

Q. Q. From whom did you get your ticket ?—A. From Anthony Summersill.

Q. Q. If you had voted the Democratic ticket would you be afraid to acknowledge it now ?—A. No, sir.

Q. Q. Are you certain you did not vote the Democratic ticket ?—A. I am certain I did not.

Q. Q. Is there any reason why you should be afraid to admit it, if you had voted it ?—A. No, sir.

Q. Q. Did you vote more than one ticket ?—A. Only one.

Q. Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted ?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness at this stage of the proceedings upon the ground that it is simply cumulative with the evidence produced by contestant in his original case, and should have then been introduced and is not legally in reply to the answer of contestee.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Q. Would you admit publicly that you are afraid of any man for anything ?—A. Well, there are some men we have a right to be afraid of, because their power is more than yours ; but on business like this, we have no right to be afraid of any man.

Q. Q. But what I mean is, you would not admit that you are afraid of bodily harm from any one man, would you ?—A. How do you mean ?

Q. Q. You would not admit you had any personal fear ; you would consider it cowardly, would you not ?—A. Yes, sir ; I would.

Q. Q. What you mean by saying there are some men you ought to fear, is that they are invariably in fusses, or something of that kind ?—A. I have no right to be afraid of a man if I find him out to be a peaceable man.

Q. What I mean to say is, you would reason with them?—A. Yes, sir; I do.

Q. Do you know of any colored people voting the Democratic ticket at the last general election?—A. No, sir.

Q. Is it not commonly known that there were some who did vote it?—A. I never heard of any.

Q. You think there were none?—A. I don't know; I am not able to say.

Q. Are you a member of any church?—A. Yes, sir.

Q. Which church?—A. Olive Branch Church.

Q. It is the Olive Branch Church or Four Mile Church, the same we're now at?—A. Yes, sir.

Q. Have you ever heard politics mentioned in the church?—A. No, sir.

Q. Have you not heard the witnesses preceding you examined on this same subject of politics in the church?—A. Yes, sir; I heard two or three witnesses examined.

Q. You heard what Mr. Mackey said, too, did you not?—A. I disremember what he did say.

Q. You heard him talking?—A. Yes, sir.

Q. You know what he is trying to show and what I am trying to show pretty well, do you not?—A. I don't know what each of you are trying to show.

(Contestant here offers to exclude all witnesses but the one being examined if counsel for contestee so desires it.

Counsel for contestee does not claim the exclusion of the witnesses, on the ground that there are now some fifteen or sixteen waiting to be examined who have heard (most if not all of them) the evidence of this witness and others preceding him, as well as the conversation between contestant and counsel for contestee, above alluded to, and to exclude them now would accomplish no purpose, hence counsel for contestee prefers to put to each witness questions to the same effect as those now being asked the witness on the stand.)

Deposition of John Geddes.

1 the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

JOHN GEDDES, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. How old are you?—Answer. I cannot tell.

Q. Where do you live?—A. On Mr. Philip May's point place, Christ Church parish.

Q. How far from Mt. Pleasant?—A. I do not know how far it is from where I live to Mt. pleasant.

Q. About how far?—A. Seven or eight miles.

Q. Where did you vote at the last general election?—A. Down at Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket. I voted for Mr. Mackey.

Q. From whom did you get your ticket?—A. I don't know the man's

name, it was a young man; but he told me it was the right ticket; Mr. Mackey's ticket.

Q. Was it Anthony Summersill?—A. Yes, sir; that is the name I heard mentioned.

Q. Did you vote more than one ticket?—A. But one ticket.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. Not one.

Q. Had you voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit it if you had voted it?—A. No, sir.

Q. Is there any reason that a colored man cannot vote the Democratic ticket in this parish without being afraid of being mobbed or insulted?—A. No, sir.

Q. Have you been promised money or anything else for coming here to testify?—A. No, sir.

Q. Are you in hopes of getting any?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness at this stage of the proceedings upon the ground that it is simply cumulative with the evidence produced by the contestant in his original case, and should have then been introduced, and is not legally in reply to the answer of contestee.)

Cross-examination by E. H. RAVENEL, counsel for contestee:

Q. You say you don't know who read your ticket to you that you voted?—A. Summersill, he was the man I got the ticket from.

Q. Did you know him before the day of election?—A. Never did.

Q. Then it was some man that told you it was Summersill that gave you your ticket?—A. Yes, sir.

Q. Is Summersill a colored man or white man?—A. A colored man.

Q. You don't know whether Summersill tricked you or not, do you?—A. I don't believe he did.

Q. What office was Mr. Mackey running for then?—A. I could not tell. I never understood. I only know I voted for him.

Q. Do you know who is the President of the United States?—A. I do not.

Q. You know who Rutherford B. Hayes is?—A. I don't know.

Q. Who is the governor of this State?—A. I don't know.

Q. Are you a member of any church?—A. Yes, sir; this church, Olive Branch, or Four Mile Church.

Q. Have you ever heard politics mentioned in the church?—A. Never did.

Q. Have you not been sitting here and listening to the testimony given by four or five or more of the witnesses who have just been examined?—A. Yes, sir.

Q. And you heard Mr. Mackey and myself talking upon the question of politics being preached in the church?—A. No, sir.

Q. You know pretty well what Mr. Mackey is trying to show by that, do you not?—A. No, sir.

Q. Have you heard any talk of colored men voting the Democratic ticket?—A. No, sir.

Q. Do you think there are any over here who did vote the Democratic ticket?—A. I don't know none.

Q. You don't know none, but as far as you know there might be a good many?—A. There might be; I don't know.

Q. You don't pay much attention to the politics of men, do you?—A. No, sir; I am a cripple and don't go about much.

Deposition of Chance Fludd.

the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

CHANCE FLUDD, a witness of legal age, produced by contestant upon notice to contestee, deposes as follows in reference to questions propounded by contestant:

- Q. Question. How old are you?—A. Answer. About 70.
 Q. Where do you live?—A. On Mr. Horlbeck's sea-shore place, Christ church Parish.
 Q. Where did you vote at the last general election?—A. Mt. Pleasant.
 Q. What ticket did you vote?—A. The Republican ticket.
 Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey's.
 Q. Did you vote more than one ticket?—A. Only one.
 Q. Were there any small Democratic tissue tickets enclosed within ticket you voted?—A. No, sir.
 Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.
 Q. Is there any reason for you to be afraid to admit it?—A. No, sir; there is no reason for me to be afraid, because whatever ticket I wanted to vote I could vote.
 Q. Have you been promised anything for coming here to testify?—A. No, sir.
 Q. Do you expect to receive any money for it?—A. No, sir.

Counsel for contestee objects to the introduction of the evidence of this witness at this stage of the proceedings, upon the ground that it is simply cumulative with the evidence produced by contestant in his original case, and should have then been introduced, and is not legally relevant to the answer of contestee.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

- Q. Did you not hear the evidence given by the witness, John Geddes, who has just preceded you?—A. Yes, sir.
 Q. You heard Mr. Mackey and myself talking about the questions which were being put to the witnesses?—A. I heard you talking about you and Mr. Mackey.
 Q. Did you hear anybody else examined this morning besides Geddes?
 A. Yes, sir; I think there was about six or seven of them.
 Q. You then were here about the time that we commenced the examination, were you not?—A. Yes, sir; I was here about the time.
 Q. So you have heard all the evidence and all the talk?—A. Yes, sir.
 Q. So you know pretty well what answers Mr. Mackey wants you to give, don't you?—A. No, sir; I don't know that exactly.
 Q. Are you a member of any church?—A. Yes, sir.
 Q. What church?—A. I am a full member of the Morris-street Baptist Church, Charleston, Rev. Jacob Legare, pastor.
 Q. Is there not a branch of that church over in Christ Church parish?—A. Yes, sir.
 Q. You belong to the branch over here?—A. Yes, sir; the branch over here.
 Q. Don't you think it wrong for a colored man to vote the Democratic ticket?—A. No, sir; every man in their own order do as they please; whatever they think proper they do that. If I wanted to vote

the Democratic ticket I would vote it, and if I wanted to vote the Republican ticket I would vote it. I could not say it was wrong to vote the Democratic ticket; but I go to my own notion.

Q. Have you ever heard politics preached in the church?—A. Never heard any.

Q. Have your church elders advised you the way you should vote?—A. No, sir; we don't have anything like that; they don't talk such things in the church.

Q. Have you not heard it reported commonly that politics have been preached in churches?—A. No, sir; I never heard it.

Q. You have been asked if you would be afraid to admit the fact if you had voted the Democratic ticket?—A. No, sir; I wouldn't be afraid.

Q. And you said no. Would you admit openly that you are influenced by fear in anything?—A. No, sir; I would not.

Q. Do you think that any negroes around here did vote the Democratic ticket?—A. No, sir; I did not hear about any.

Q. Have not even heard about any?—A. No, sir.

Q. Don't you know that there are some in Mt. Pleasant that voted it?—A. No, sir; all I know is about myself, and I know I am a Republican.

Q. Have you not heard of women uttering threats distasteful and unpleasant to their husbands if they should vote the Democratic ticket?—A. No, sir; I never heard any in my presence.

Q. Have you not heard of some of them doing it?—A. No, sir.

Q. Do you know who is the President of the United States?—A. No, sir.

Q. You know who Rutherford B. Hayes is?—A. No, sir.

Q. Never heard of him?—A. No, sir.

Q. For what office was Mr. Mackey running for when you voted for him?—A. I could not tell you exactly at that time.

Q. At the last election, I mean.—A. Mr. Mackey was running for President, I think.

Q. So you voted because you wanted Mr. Mackey to be President?—A. Yes, sir.

Q. Do you go entirely by Mr. Mackey's advice in politics?—A. Yes, sir; certainly. I know he ain't going to tell me anything wrong.

Q. Is Mr. Mackey a strong man over here?—A. Yes, sir.

Q. Would you believe him as quick as you would believe the Bible?—A. Yes, sir.

Q. If Mr. Mackey was to say anything contrary to the Bible; that is, that the Bible said was not so, which would you say was right, the Bible or Mr. Mackey?—A. I think Mr. Mackey is right, because he lead by the Bible; he and the Bible run together.

Q. If Mr. Mackey was to direct anything to be done, do you think that God would or could undertake to prevent its being done?—A. No; it could not be, because he and God run together.

Q. He and God are all the same?—A. Yes, sir; because what he does God taught him; whenever he takes the Bible and look upon it, he and that Bible run together; he would not do anything contrary to that Bible.

Q. You think Mr. Mackey, then, the same as God?—A. Yes, sir.

Q. Mr. Mackey asked you if there were any tissue tickets folded in the ticket you voted; now, do you know what a tissue ticket is?—A. Yes, sir.

Q. You seen one?—A. Oh, yes, sir.

Deposition of Isaiah Jones.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ISAIAH JONES, a witness of legal age produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Q. Question. How old are you ?—A. Answer. I was _____.
Q. Where do you live ?—A. On Mrs. Tomlinson's place, Christ Church parish.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.
Q. What ticket did you vote ?—A. The Republican ticket.
Q. Whose name was on your ticket for Congress ?—A. Mr. Mackey's.
Q. Did you vote more than one ticket ?—A. One ticket only. I took good notice of it; opened it and looked myself. As Summersill and myself were always playmates I got him to read it for me.

Q. When you say you opened your ticket, do you mean to signify that was handed to you folded ?—A. No, sir; it was handed to me open, but I looked at it to see if it was one.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted ?—A. None.

Q. Had you voted the Democratic ticket would you be afraid to admit it now ?—A. No, sir, not if I did.

Q. Is there any reason why you should be afraid to admit it, if you had voted it ?—A. I don't think so.

Q. Did you promised anybody before the election that you would vote the Democratic ticket ?—A. No, sir, not yet.

Q. Is it true that a colored man cannot vote the Democratic ticket in his parish without being molested and mobbed by the other colored men ?—A. No, sir.

Q. Have you ever heard of any such instances ?—A. No, sir.

Q. Have you been promised or do you expect any pay for coming here to testify ?—A. No, sir; I only came to see justice to myself.

(Counsel for contestee objects to the evidence of this witness for reasons already stated.)

Cross-examination by H. E. RAVENEL, counsel for contestee :

Q. To what race do you belong ?—A. To the black.

Q. Were you in here this morning when some of the witnesses were being examined ?—A. When I came here I saw you examining them the same as you are examining me now.

Q. You saw some examined ?—A. Yes, sir; when I came here you were examining them.

Q. Did you hear Mr. Mackey and I talking together ?—A. Yes, sir, I heard you talking together about whether or not politics were preached in the churches. I heard you—both you and Mr. Mackey—arguing.

Q. What was I claiming, and what was Mr. Mackey claiming ?—A. I heard you ask if any of the preachers talked about politics during the election.

Q. I was contending that it was not so ?—A. You were asking the question, but I do not know whether you were contending they were or not.

the Democratic ticket I would vote it, and if I wanted to vote the Republican ticket I would vote it. I could not say it was wrong to vote the Democratic ticket; but I go to my own notion.

Q. Have you ever heard politics preached in the church?—A. Never heard any.

Q. Have your church elders advised you the way you should vote?—A. No, sir; we don't have anything like that; they don't talk such things in the church.

Q. Have you not heard it reported commonly that politics have been preached in churches?—A. No, sir; I never heard it.

Q. You have been asked if you would be afraid to admit the fact if you had voted the Democratic ticket?—A. No, sir; I wouldn't be afraid.

Q. And you said no. Would you admit openly that you are influenced by fear in anything?—A. No, sir; I would not.

Q. Do you think that any negroes around here did vote the Democratic ticket?—A. No, sir; I did not hear about any.

Q. Have not even heard about any?—A. No, sir.

Q. Don't you know that there are some in Mt. Pleasant that voted it?—A. No, sir; all I know is about myself, and I know I am a Republican.

Q. Have you not heard of women uttering threats distasteful and unpleasant to their husbands if they should vote the Democratic ticket?—A. No, sir; I never heard any in my presence.

Q. Have you not heard of some of them doing it?—A. No, sir.

Q. Do you know who is the President of the United States?—A. No, sir.

Q. You know who Rutherford B. Hayes is?—A. No, sir.

Q. Never heard of him?—A. No, sir.

Q. For what office was Mr. Mackey running for when you voted for him?—A. I could not tell you exactly at that time.

Q. At the last election, I mean.—A. Mr. Mackey was running for President, I think.

Q. So you voted because you wanted Mr. Mackey to be President?—A. Yes, sir.

Q. Do you go entirely by Mr. Mackey's advice in politics?—A. Yes, sir; certainly. I know he ain't going to tell me anything wrong.

Q. Is Mr. Mackey a strong man over here?—A. Yes, sir.

Q. Would you believe him as quick as you would believe the Bible?—A. Yes, sir.

Q. If Mr. Mackey was to say anything contrary to the Bible; that is, that the Bible said was not so, which would you say was right, the Bible or Mr. Mackey?—A. I think Mr. Mackey is right, because he lead by the Bible; he and the Bible run together.

Q. If Mr. Mackey was to direct anything to be done, do you think that God would or could undertake to prevent its being done?—A. No; it could not be, because he and God run together.

Q. He and God are all the same?—A. Yes, sir; because what he does God taught him; whenever he takes the Bible and look upon it, he and that Bible run together; he would not do anything contrary to that Bible.

Q. You think Mr. Mackey, then, the same as God?—A. Yes, sir.

Q. Mr. Mackey asked you if there were any tissue tickets folded in the ticket you voted; now, do you know what a tissue ticket is?—A. Yes, sir.

Q. You seen one?—A. Oh, yes, sir.

Deposition of Isaiah Jones.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ISAIAH JONES, a witness of legal age produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. How old are you?—Answer. I was ____.

Q. Q. Where do you live?—A. On Mrs. Tomlinson's place, Christ Church parish.

Q. Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Q. What ticket did you vote?—A. The Republican ticket.

Q. Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Q. Did you vote more than one ticket?—A. One ticket only. I took good notice of it; opened it and looked myself. As Summersill and myself were always playmates I got him to read it for me.

Q. Q. When you say you opened your ticket, do you mean to signify that it was handed to you folded?—A. No, sir; it was handed to me open, but I looked at it to see if it was one.

Q. Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. None.

Q. Q. Had you voted the Democratic ticket would you be afraid to admit it now?—A. No, sir, not if I did.

Q. Q. Is there any reason why you should be afraid to admit it, if you had voted it?—A. I don't think so.

Q. Q. Did you promised anybody before the election that you would vote the Democratic ticket?—A. No, sir, not yet.

Q. Q. Is it true that a colored man cannot vote the Democratic ticket in this parish without being molested and mobbed by the other colored men?—A. No, sir.

Q. Q. Have you ever heard of any such instances?—A. No, sir.

Q. Q. Have you been promised or do you expect any pay for coming here to testify?—A. No, sir; I only came to see justice to myself.

(Counsel for contestee objects to the evidence of this witness for reasons already stated.)

Cross-examination by H. E. RAVENEL, counsel for contestee :

Q. To what race do you belong?—A. To the black.

Q. Were you in here this morning when some of the witnesses were being examined?—A. When I came here I saw you examining them the same as you are examining me now.

Q. You saw some examined?—A. Yes, sir; when I came here you were examining them.

Q. Did you hear Mr. Mackey and I talking together?—A. Yes, sir, I heard you talking together about whether or not politics were preached in the churches. I heard you—both you and Mr. Mackey—arguing.

Q. What was I claiming, and what was Mr. Mackey claiming?—A. I heard you ask if any of the preachers talked about politics during the election.

Q. I was contending that it was not so?—A. You were asking the question, but I do not know whether you were contending they were or not.

Q. You know very well what Mr. Mackey wants you to say, don't you?—A. About what?

Q. About the preaching of polities in the church. You know what Mr. Mackey wants you to say?—A. I don't know what Mr. Mackey wants me to say. I heard you arguing about the preaching of polities in the churches during election.

Q. When you said if you had voted the Democratic ticket you wouldn't be afraid to admit it, you mean you would stand up to what you had done, because you would think it cowardly not to do so?—A. Yes, sir. If I voted the Democratic ticket, I would stand up and let everybody see what I did. I wouldn't cover it up; that is what I mean.

Q. What you mean is, if you did vote it, you would vote it because you think it was right and you wouldn't therefore be afraid to admit, and anyhow you think it cowardly for a man to be afraid to say what he has done?—A. Yes, sir; that is so.

Q. In 1876 was it not a little rough for a black man to try to vote the Democratic ticket?—A. Not that I know of.

Q. Have you not heard of it?—A. No, sir.

Q. Have you not heard of women abusing men for voting the Democratic ticket?—A. Not to my knowledge.

Q. You don't testify to any in your own knowledge?—A. I don't testify about any in my own knowledge.

Q. Are you a member of any church?—A. No, sir.

Q. Do you belong to any church class?—A. No, sir, not as yet.

Q. You don't go to church much then?—A. Yes, I go to church.

Q. Have you ever heard any polities preached in the church?—A. No, sir.

Q. What church are you a member of?—A. When I go, I go to the Baptist church.

Q. Can you read?—A. No, sir.

Q. When you say, then, that you voted for Mr. Mackey, what means have you of knowing the truth of what you say?—A. I always notice and look for the right ticket and notice good how I am going to vote. I always look for the good and bad, and I never fall in any bad place where I cannot get out.

Q. What I mean is, if you cannot read for yourself, how do you know what was on the ticket?—A. Summersill read it for me. He and I were playmates.

Q. How far have you come here to testify to-day?—A. Right opposite.

Q. How far?—A. Not more than a mile.

Q. What brought you here to testify?—A. My feelings.

Q. Did you not have a paper served on you?—A. Yes, sir.

Q. Did you not know that Mr. Mackey wanted you?—A. No, sir; I came on account of my own feelings, not on account of Mr. Mackey.

Q. Don't you do whatever Mr. Mackey wants you to do?—A. If I know it is legal I will do it, but if I know it is wrong I will not be led by him no more than I would by any one else.

Q. Have you not known him to do wrong?—A. Not to my knowing. Ever since I knew him I heard he was a good man.

Q. Everything you saw him do you thought was right?—A. Yes, sir; to my judgement. I never heard of anything wrong about him.

Q. Does he give you anything?—A. No, sir; he didn't give me anything and I don't expect to get anything from him. Every man has to get what he wants by work.

Deposition of John Ancrum.

the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County :

JOHN ANCRUM, a witness of legal age, produced by contestant upon notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. This coming March I will be

Q. Where do you live?—A. Christ Church Parish, on Mr. Geo. White's place, 12 miles from Mt. Pleasant.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you have to go twelve miles to vote?—A. Yes, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Can you read?—A. No, sir.

Q. From whom did you get your ticket?—A. From Anthony Summersill.

Q. Did you vote the same ticket he gave you?—A. Yes, sir; and no other.

Q. If you had voted the Democratic ticket, would you be now afraid to acknowledge it?—A. No, sir.

Q. Is there any reason, if you had voted the Democratic ticket, to prevent you from admitting it now?—A. No, sir.

Q. Is it true that no colored man in this parish can vote the Democratic ticket without being mobbed or injured by the other colored people?—A. Not to my telling.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness at this stage of the proceedings upon the ground that it is merely cumulative with the evidence produced by contestant in his original case and should have been then introduced, and is not legally in reply to the answer of contestee.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. To what race do you belong?—A. To the colored race.

Q. How long have you lived in Christ Church Parish?—A. I have been here 12 years.

Q. You say you couldn't read. What names were on your ticket?—A. I had them read.

Q. You are sure you voted for Mr. Mackey for senator?—A. Yes, sir.

Q. Who else was on your ticket?—A. I couldn't remember the other names on the ticket. I know Mr. Mackey's name was on the ticket.

Q. Mr. Mackey's is the only name you know was on your ticket?—A. That is all I can remember.

Q. What Mackey was that—what is his name, I mean?—A. I forget his other name; but I remember Mr. Mackey.

Q. Have you ever heard politics preached in the church?—A. No, sir; not often.

Q. Do you come to this church?—A. No, sir.

Q. To what church do you go?—A. I don't hardly go to any.

Q. You ain't a member of any church?—A. No, sir.

Q. You have heard politics preached sometimes?—A. No, sir; I have not heard it. I seldom hear any preaching at all; but I go to church sometimes, when I have the time.

Q. Do you go to class?—A. No, sir.

Q. Do you think a black man ought to vote the Democratic ticket?—A. Well, every man does as he minds to. I know I do as I mind.

Q. Would you not think less of a colored man if he voted the Democratic ticket?—A. I have no right to think less of him, because I say he has the right to do as he chooses.

Q. Have you ever taken an oath to vote the Republican ticket?—A. Not to any one. I took an oath in my own mind that I would not vote anything but a Republican ticket.

Q. Can you write your own name?—A. No, sir.

Q. Do you know who Christopher Columbus was?—A. I don't know.

Q. Did you ever hear of him?—A. No, sir.

Q. Did you ever hear of George Washington?—A. I don't know him.

In reply, by E. W. M. MACKEY, contestant:

Q. Even if you cannot read, can you not tell the Republican ticket from the Democratic ticket that were used at the last election?—A. Yes, sir; I think I ought to.

Q. Examine these two tickets (handing witness a Democratic and a Republican ticket), and show me which ticket you voted.—A. This is the ticket I voted (selecting the Republican ticket from the two tickets handed him).

Q. You were asked very quickly if you were sure you voted for Mr. Mackey for State senator; now, do you recollect what office Mr. Mackey was running for?—A. Yes, sir.

Q. For what office was he running?—A. For Congress, I believe.

Q. So that when you answered the other question, did you understand it?—A. No, sir; I did not.

Q. (By Mr. RAVENEL.) You don't know the difference between a Congressman and a Senator, do you?—A. No, sir; not exactly.

Deposition of Daniel Springer.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

DAN'L SPRINGER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 42.

Q. Where do you live?—A. On my own place, near the Seven Mile Church, in Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. Only one.

Q. Were there any tissue tickets folded within the ticket you voted?—A. No, sir.

Q. Had you voted the Democratic ticket would you be afraid to admit

low!—A. No, sir; not at all. Every man votes according to his ire.

Q. Is there any reason why you should be afraid to admit that you voted the Democratic ticket if you had done so?—A. No, sir; I don't any.

Q. Is it true that a colored man in this parish cannot vote the Democratic ticket without the fear of being mobbed or beaten by the other red men?—A. No, sir; I never heard of such things.

Q. Can you read?—A. Yes, sir, a little.

Q. Could you read enough to read your ticket?—A. Yes, sir.

Q. Is this the ticket you voted (handing witness Republican ticket ked Exhibit R)?—A. That is the ticket.

Counsel for contestee objects to the introduction of the evidence of witness for reasons already stated in the objections to the witnesses eding.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or colored man?—A. I am colored.

Q. Were you in here this morning during the examination of John ldis?—A. I was outside when he gave his testimony.

Q. Did you not hear some of the others examined?—A. Yes, sir; I rd some of them.

Q. Then you heard what Mr. Mackey and I were saying?—A. No, sir.

Q. You heard us talking?—A. Yes, sir; I heard you talking, but I n't get the understanding.

Q. You heard what we said though?—A. Yes, sir.

Q. You know very well, then, what Mr. Mackey wants you to testify —A. No, sir; I don't know exactly what he wants me to testify to, f that he wants me to testify that I voted only one ticket.

Q. Is that what he gave out that he wanted all you to testify—that voted but one ticket and that was the Republican ticket with his e on it?—A. I suppose so.

Q. Are you a member of any church?—A. Yes, sir.

Q. What church?—A. Olive Branch A. M. E. Church.

Q. Have you ever heard politics preached in that church?—A. No, not yet.

Q. The first man who was examined this morning, by name Ben Heyd, said that political advice had been given in this church.

Contestant denies that that is the conclusion to be drawn from Ben eyward's testimony.)

Q. That is a thing I never heard of; I was not here when the exami ion began this morning.

Q. Have not some of your ministers or exhorters told you and the rest the people something to this effect—that every man ought to vote ording to the dictates of his conscience?—A. No, sir; I never heard t from any of them.

Q. Has anybody ever told you that such sermons have been preached?

Q. No, sir.

Q. Have you not heard reports that political advice had been given ther churches and by other ministers other than your own?—A. No,

Q. Did you hear the evidence of Ben Heyward?—A. No, sir.

Q. You told Mr. Macheney, when he asked you, that you would not be id to admit that you voted the Democratic ticket if you had done —A. I wouldn't be afraid to admit it if I had voted it.

Q. Would you not consider it cowardly to admit you were afraid had you done so?—A. After I had done so I wouldn't be afraid to say so.

Q. You would have done it because you thought it was right?—A. Yes, sir; every man according to his own order. I think if I would wish to vote it I would be as open as any man that voted the Republican ticket.

Q. Whether there was any danger or not?—A. Whether there was any danger or not, if my desire was to vote it.

Q. So that when you say you would not be afraid to admit voting the Democratic ticket if you had done so, you say that independently of the fact whether or not there is any danger?—A. If it was my desire to vote it I would vote it.

Q. You would consider it cowardly to be afraid to admit it?—A. I wouldn't be afraid to admit it if I knew I had voted it.

Q. Because you wouldn't be a coward?—A. No, sir.

Q. You wouldn't admit that you are afraid of any man?—A. No, sir; I am afraid of only one man, and that is the Great Jehovah.

Q. You fear no man but God?—A. No, sir.

Q. Have you ever heard it charged that men's wives have threatened them with family troubles if they voted the Democratic ticket?—A. No, sir; no such talk like that in my neighborhood.

Q. Do you know whether any colored people did vote the Democratic ticket?—A. No, sir; I know of none up my way.

Q. There are none who told you they did vote it?—A. No, sir; there ain't any.

Q. Did you not hear it stated that there are a number of colored Democrats in the parish?—A. No, sir; I never heard of it.

Q. Never heard that stated?—A. No, sir.

Q. Have you heard it stated that there were any?—A. I never heard any one say there was any or there wasn't any.

Q. Have you had anything to do with politics?—A. No, sir; I left that aside. I don't bother with that.

Q. You keep still on your place?—A. Yes, sir; I keep very close.

Q. What brought you here to-day to testify?—A. I had a paper to come here.

Q. You had a summons served on you?—A. Yes, sir.

Q. You know that summons means a man must come?—A. It says you must come. You are compelled to come after you are summoned.

Q. Just the same as testifying in court?—A. Yes, sir.

Q. Was Mr. Mackey up here last Sunday?—A. I was not here Sunday.

Q. Did you hear of his being here?—A. I didn't hear of it.

Q. Was he here the Sunday before the previous examination held here three weeks ago—the 12th, 13th, and 14th days of November?—A. I don't know. I don't remember.

Q. Do you not know that he came to this church?—A. No, sir.

Q. Did you not hear of it?—A. I heard we had to go to the village. On Sunday I am very seldom here.

Q. You were not here that Sunday, then?—A. No, sir; I was not here.

In reply, by contestant:

Q. Have you been promised any pay or remuneration of any kind for coming here to testify?—A. No, sir.

Q. Do you expect to receive any pay and mileage for your testimony here to-day?—A. No, sir.

*Deposition of Louis McBride.*

re matter of the contest of E. W. M. Mackey against M. P. O'Connor.

RE OF SOUTH CAROLINA,
Charleston County :

LUIS MCBRIDE, a witness of legal age produced by contestant upon notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Question. How old are you ?—Answer. 27.

Where do you live ?—A. In Christ Church parish, on Mr. Sear's e.

Where did you vote at the last general election ?—A. Mt. Pleas-

What ticket did you vote ?—A. Mr. Mackey's.

The Republican ticket ?—A. Yes, sir.

Did you vote more than one ticket ?—A. One ticket only. I had been.

Were there any Democratic tissue tickets folded within the ticket voted ?—A. No, sir; I had but one ticket. I folded it myself.

From whom did you get your ticket ?—A. Anthony Summersill.

Did he read it to you ?—A. Yes, sir.

Did you vote the same ticket he gave you ?—A. Yes, sir.

Can you read ?—A. No, sir.

Had you voted the Democratic ticket would you be afraid to admit it now ?—A. No, sir; I wouldn't be afraid.

Is there any reason why you should be afraid ?—A. There is no on.

Have you been promised anything if you would come here to-day to testify ?—A. No, sir.

Do you expect to receive any money for testifying to-day ?—A. sir.

Counsel for contestee objects to the introduction of the evidence of witness upon the grounds stated in the previous objections.)

Cross-examination by H. E. RAVENEL, counsel for contestee :

Are you a white or black man ?—A. I am a black man.

Can you read ?—A. No, sir.

How do you know then for whom you voted ?—A. The man who gave me the ticket read it to me.

You swear then positively that you voted for Mr. Mackey ?—A. sir.

You are certain you voted for Mr. Mackey for Senator ?—A. For gress.

All you know about how you voted is that you heard the name of him ?—A. Yes, sir; I heard the name read to me on the ticket.

Where do you live ?—A. On Mr. William Seare's place.

Is that near this place ?—A. No, sir; about four miles from here.

What brought you here to testify ?—A. I was summoned to come here.

You got a summons to come here ?—A. Yes, sir.

You felt compelled to come on account of that summons ?—A. Oh,

Are you a member of any church ?—A. I am a member of this church.

Q. How long have you been a member?—A. For four years.

Q. Have you ever heard anything said in the church about voting?—A. No, sir; I never heard such a thing mentioned in this church since I was a member.

Q. Do you know that some gentlemen have said that the colored people were compelled by their churches and by their associates to vote the Republican ticket?—A. No, sir; I never heard anything like that mentioned.

Q. Have you had any talk with Mr. Mackey this morning?—A. No, sir; I ain't so long come.

Q. Have you been talking with some of the other witnesses outside there?—A. I have had no talking with any man since I have been here. I was not here more than a half hour before I was called.

Q. You say you got here an half hour before you were called and you did not mix with those witnesses outside there?—A. As soon as I got here I took a seat right by the door.

Q. Are there not quite a number of men outside?—A. Not many.

Q. How many?—A. About twenty or twenty-five.

Q. Do you know who the President of the U. S. is?—A. Hayes.

Q. You have heard of the examination held here by Mr. Mackey some time ago?—A. Yes, sir; I was to the village twice to testify, but I couldn't get in.

Q. And you heard that Mr. O'Connor had an examination of some gentlemen down at the village since that time?—A. No, sir; I never heard about that.

Q. You know, however, pretty well what Mr. Mackey is trying to show and what Mr. O'Connor is trying to show, do you not?—A. No, sir.

Q. Do you understand my question?—A. No, sir.

Q. Don't you know pretty well what Mr. Mackey wants to prove and what Mr. O'Connor wants to prove?—A. I don't know anything about Mr. O'Connor.

Q. You know about Mr. Mackey, though?—A. Yes.

Q. You are a strong Republican?—A. A strong Republican.

Q. Always did vote the Republican ticket?—A. Yes, sir; every time.

Q. You would do anything for the Republican party?—A. Yes, sir.

Q. You told Mr. Mackey that had you voted the Democratic ticket you wouldn't be afraid to say so?—A. Yes, sir, I said so. If I had voted it I wouldn't be afraid to say so.

Q. If you had voted it you would have done so because you thought it was right?—A. Of course.

Q. You wouldn't admit that you are afraid of men anyhow, would you?—A. I don't understand your question.

Q. What I mean is that you would not admit that any man could make you afraid?—A. No, sir.

Q. You would regard it cowardly to be afraid to say what ticket you had voted?—A. Of course, if I denied it.

Q. That would be cowardly?—A. Of course.

Q. So that if you had voted the Democratic ticket you would admit it, if it was dangerous or not?—A. Yes, sir; I would say so.

Q. You say so for yourself, but you don't know what effect fear would have on other men?—A. Some men might be afraid to admit it; I wouldn't be afraid.

Q. Of course you wouldn't say you yourself are afraid of anything?—A. No, sir; I am not a coward.

Deposition of Isaac Gethers.

in the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

ISAAC GETHERS, a witness of legal age, produced by contestant upon notice to contestee, deposes as follows in reference to questions propounded by contestant:

Q. Question. How old are you?—A. Answer. About 45.

Q. Where do you live?—A. Remley's Point, Christ Church Parish, my own place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Did you vote more than one ticket?—A. But one ticket.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. If you had voted the Democratic ticket, would you be afraid to admit it now?—A. I wouldn't be afraid to admit it. I would tell the truth about it.

Q. Have you been promised any money to come here to-day to testify?—A. No, sir.

Q. Do you expect to receive any money for testifying?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness for reasons already stated in the objections to the evidence of Benj. Heyward and others.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Can you read?—A. No, sir.

Q. Are you a white or black man?—A. A black man.

Q. If you can't read, how do you know for whom you voted at the last election?—A. I know I voted for a Republican. I know I didn't vote for a Democrat.

Q. What names were on your ticket?—A. I couldn't read the names, but I know I threw in the right vote; not a Democratic ticket, but a Republican ticket.

Q. How do you know it was the right vote?—A. They took my name down for a Republican, not for a Democrat. I know nothing about anything else. I just came here to tell you who I voted for. I know no white or black about it.

Q. How do you know that the ticket you voted was the Republican ticket?—A. I know the Republican ticket is different from the Democratic ticket. I voted the Republican ticket.

Q. Did you see the Democratic ticket?—A. No, I didn't see any.

Q. So you only know there was a difference between the two tickets?—A. One thing I know, I voted for the Republicans and didn't vote for the Democrats.

Q. Were you not in here when we were examining John Geddis?—A. No, sir.

Q. Do you know John Geddis?—A. No, sir.

Q. Have you not seen any other man testify this morning like you are doing now?—A. No, sir; I was not here.

Q. You didn't hear anybody testify this morning?—A. No, sir.

Q. Have you been in the church this morning before you were called?—A. No, sir; I just came in and they took down my name and we are all told to go out.

Q. Are you a member of any church?—A. Yes, sir, I am.

Q. Of what church?—A. Of Olive Branch Church; this church here.

Q. How long have you been attending this church?—A. I stay to Remley's Point and I don't come here often, but I belong to the church.

Q. Have you ever heard the preacher in the church say anything about how a man ought to vote?—A. No, sir; I never heard anything of the kind.

Q. Have you ever seen trouble made for colored men who professed to be Democrats?—A. No, sir, I know nothing about that.

Q. Don't you believe there has been?—A. No, sir; I can't believe unless I see.

Q. Don't you believe colored men who vote the Democratic ticket have a pretty rough time?—A. I cannot believe it unless I see it.

Q. Have you not heard of it?—A. No, sir, I never heard anything of that kind.

Q. Do you think it is right for a colored man to vote the Democratic ticket?—A. I can say one thing, they vote as they choose. If they choose to vote for the Democrats, they have the right to do so, but my mind leads me to vote for the Republicans.

Q. Would you be willing for one of your church brethren to be a Democrat?—A. If they choose to be they can be.

Q. But so far as you know, none are?—A. I don't know anything about anybody but myself.

Q. Do you know who is the President of the United States?—A. No, sir.

Q. Did you hear about the last examination Mr. Mackey had here about two weeks ago?—A. No, sir; I was sick in bed. I only came here to-day to let them know how I voted.

Q. Do you know Mr. Mackey, for whom you say you voted?—A. Yes.

Q. You know he wanted you to say you voted for the Republican party?—A. No, sir; nobody told me that.

Q. Did you take an oath to vote the Republican ticket?—A. I took an oath on the Bible to vote the Republican ticket.

Q. Where did you vote?—A. At the village—Mt. Pleasant.

Q. They said you couldn't vote unless you took that oath?—A. I took the oath when I put my ballot in the box.

Q. You think the oath a man takes when he votes means that he is to vote for the Republican party?—A. You can't take an oath for both parties. You can take an oath for the Democratic party or for the Republican party. I know I took the vote in my hand and put it in the ballot-box after I took the oath.

Q. Did not Mr. Mackey come up here one Sunday?—A. No, sir, I didn't see him; I was sick in bed.

Deposition of Peter McBride.

In the matter of the contest of E.W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

PETER MCBRIDE, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 50.

Q. Where do you live?—A. On Mr. Seares' place, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. I voted the ticket Summersill gave me.

Q. Did you vote a Democratic or Republican ticket?—A. I voted the Republican ticket.

Q. Did you vote the same ticket Summersill gave you?—A. Oh, yes...

Q. Did you vote more than one ticket?—A. No, sir; but one.

Q. Were there any Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. If you had voted the Democratic ticket, would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid?—A. No, sir.

Q. Have you been promised any money to come here to-day to testify?—A. No, sir.

Q. Do you expect to receive any?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of his witness for the reasons already stated in the objection to the evidence of Benj. Heyward and others.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Can you read?—A. No, sir.

Q. How do you know, then, for whom you voted?—A. The man who gave me the ticket said it was the right ticket and I took his word for it.

Q. Do you know the man?—A. Yes, sir.

Q. Have you been outside some time?—A. No, sir; not very long.

Q. Have you been talking to any of these men outside there?—A. No, sir; not to a soul. I have been sitting one side to myself.

Q. You have been amongst quite a number outside there?—A. I was sitting down to myself.

Q. Were you summoned to testify about the middle of November when Mr. Mackey held that other examination?—A. I went to the village.

Q. Were you examined there?—A. I went there, but when I got there couldn't get inside. I never testified.

Q. You heard what these men were talking about down there?—A. No, sir; because I couldn't get inside the house.

Q. Did you not talk with some of the men who were examined?—A. No, sir; I never had anything to say to them.

Q. Didn't you know when you came here that Mr. Mackey wanted you to say that you had voted the Republican ticket?—A. No, sir; I didn't know that. Nobody told me anything about that.

Q. Are you a member of any church?—A. Yes, sir.

Q. What church?—A. Olive Branch Church.

Q. How long have you been a member?—A. A good while.

Q. Have you ever heard the preacher say anything about how a man should vote?—A. No, sir; I never heard any preacher say anything about that.

Q. Have you ever heard any reports that the preachers did preach about voting?—A. No, sir; not in the church.

Q. Heard it in the class?—A. No, nowhere; in the class neither.

Q. Do you think you are bound to vote the Republican ticket?—A. I voted whichever way I want to vote and feel like voting.

Q. But you believe you are bound to vote the Republican ticket?—A. Yes, sir; the Republican ticket is the one I vote.

Q. You say you think there is no reason for any man to fear if he voted the Democratic ticket?—A. I don't know that there is.

Q. Have you ever heard of any instances of women threatening their husbands if they voted the Democratic ticket?—A. No, sir; I never heard anything like that.

Q. Is it not commonly reported here that the men would experience the displeasure of their wives if they voted the Democratic ticket?—A. No, sir.

Deposition of Primus Glover.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

{STATE OF SOUTH CAROLINA,
Charleston County:

PRIMUS GLOVER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 33.

Q. Where do you live?—A. On my own land, on the Georgetown road, near the 7-mile stone, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. Only one.

Q. Were there any Democratic tissue tickets inclosed in the ticket you voted?—A. No, sir.

Q. Can you read?—A. No, sir.

Q. From whom did you get your ticket?—A. Joe Seabrook.

Q. Did he read it to you?—A. Yes, sir.

Q. Did he read Mr. Mackey's name on it?—A. Yes, sir.

Q. Did you vote the same ticket that Joe Seabrook gave you?—A. Yes, sir.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit it?—A. No, sir; no reason.

Q. Is it true that a colored man cannot vote the Democratic ticket in this parish without the fear of being mobbed, beaten, or insulted by the other colored men?—A. I don't know.

Q. You ever heard of it?—A. No, sir.

Q. What church do you go to?—A. Olive Branch Church; this same church here.

Q. Did you ever hear of any man being expelled from Olive Branch Church for voting the Democratic ticket?—A. No, sir.

Q. Did you ever hear of a man being expelled from any church for voting the Democratic ticket?—A. No, sir.

Q. Do you know William Stewart?—A. I know he voted the Democratic ticket.

Q. Does he not belong to this church?—A. Yes, sir.

Q. Has he been turned out of it for voting the Democratic ticket?—A. No, sir.

Q. Don't you live near William Stewart?—A. Yes, sir; about a mile and a half from him.

(Counsel for contestee objects to the evidence of this witness upon the grounds stated in the objection to the evidence of Benj. Heywood the first witness examined.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

- Q. Are you a white or black man?—A. A black man.
Q. Can you read?—A. No, sir.
Q. All you know about the ticket you voted is what you were told?—
A. Yes, sir.
Q. Do you know what names were on it?—A. I know one.
Q. Whose is that?—A. Mr. Mackey's.
Q. You are sure that you voted for Mr. Thomas Mackey?—A. Yes,
I am sure.
Q. For State senator?—A. Yes, sir.
Q. You have got that all straight?—A. All straight.
Q. You are sure it was not Mr. E. W. M. Mackey?—A. I don't know
it from the other, but I know this is the one (pointing to E. W. M.
Mackey) I voted for; his name was on the ticket.
Q. Are you a member of any church?—A. Yes, sir.
Q. Of this same church?—A. Yes, sir.
Q. How long have you been a member of this church?—A. About
one year ago.
Q. Are the people in this church Democrats or Republicans?—A. Re-
publicans.
Q. All of them?—A. Well, as far as I know.
Q. They are pretty high Republicans, are they not?—A. No, sir.
Q. Would you like to have a Democrat a member of this church?—
A. O, yes, sir.
Q. Have you not heard talk in some of the churches of putting men
out because of their voting the Democratic ticket?—A. No, sir; I never
heard that.
Q. Have you not heard of it?—A. No, sir; never heard of it.
Q. About 1876, and along there, did it not used to be pretty rough
for a man to vote the Democratic ticket?—A. I don't know.
Q. Were you living here then?—A. Yes, sir; I was here then, but I
don't know whether it was rough or not. I know it was not rough with
me.
Q. You voted the Republican ticket?—A. Yes, sir; I voted the Re-
publican ticket.
Q. Then it might have been rough with those who voted the Demo-
cratic ticket, but it was not rough with you who voted the Republican
ticket?—A. I don't know, but I never heard of any roughness with
those that voted the Democratic ticket.
Q. What brought you here to-day to testify?—A. Because I was
summoned to come here to-day.
Q. Do you think it was to your advantage to come here to-day?—A.
I think so.
Q. You have been asked if you had voted the Democratic ticket if
you would have been afraid to confess it?—A. No, sir.
Q. And you said you would not be afraid?—A. No, sir; I said I
would not be afraid to confess it if I had voted it.
Q. You would not admit that anything could make you afraid; you
would think it cowardly to be afraid?—A. No, sir; I would not think
cowardly to admit that I voted the Democratic ticket.
Q. You mean to say that you would think it cowardly if you had
voted it to deny it?—A. No, sir.
Q. Would you not think it cowardly to be scared out of it?—A. No,
sir.
Q. What I mean is this: if you voted the Democratic ticket and then
got scared out of admitting it by cowardice?—A. Yes, sir; it would.

Q. You won't say you could be scared out of admitting it!—A. No, sir.

In reply to E. W. M. MACKEY, contestant:

Q. When you say it is to your advantage to come here and testify, in what respect do you think it would be an advantage to you?—A. That I don't know.

Q. Do you mean to say that it would be an advantage to you in a pecuniary sense—that is, that you would get any money for it?—A. No, sir.

Deposition of Flander Kinloch.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

FLANDER KINLOCH, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question.—How old are you?—Answer.—About 70.

Q. Where do you live?—A. In Christ Church Parish, on Mr. Barkley's plantation.

Q. How far from Mt. Pleasant?—A. Sixteen miles.

Q. Did you have to go that distance to vote at the last election?—A. Yes, sir.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. Mr. Mackey's ticket.

Q. The Republican ticket, you mean?—A. Yes, sir; the Republican ticket.

Q. Did you vote more than one ticket?—A. No, sir; one only.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir; I wouldn't.

Q. Is it true that no colored man in this parish can vote the Democratic ticket without being beaten and mobbed by the other colored men?—A. No, sir; I never saw that.

Q. From whom did you get your ticket?—A. I got it from a gentleman at the village.

Q. Do you know Anthony Summersill?—A. That is the man I got my ticket from.

Q. Were there any tissue tickets inclosed within the ticket you voted?—A. No, sir.

(Counsel for contestee objects to the evidence of this witness at this stage of the proceedings upon the ground that it is simply cumulative with the evidence produced by contestant in his original case, and should have then been introduced; and is not legally in reply to the answer of contestee.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or black man?—A. I am a black man.

Q. Do you know Summersill?—A. Yes, sir.

Q. Did you know him before the election?—A. No, sir; never knew him before.

Q. Never knew him before that day?—A. No, sir; not before that day.

Q. You had him pointed out to you that day?—A. Yes, sir.

- Q. Well, then, all you know about Summersill is that he was pointed to you that day?—A. That's all.
- Q. Can you swear that you voted for Mr. Mackey?—A. Yes; I do.
- Q. What was he running for when you voted for him?—A. He was running for _____. I cannot remember the office now.
- Q. Was he not running for State senator?—A. I don't know.
- Q. Who else did you vote for that day?—A. I couldn't tell none else at were on the ticket, but him.
- Q. Do you know who is President of the United States?—A. No, sir; I don't know.
- Q. Is not Gen. Grant President?—A. Yes, sir; he is one.
- Q. He is one of the Presidents?—A. Yes, sir.
- Q. Is Rutherford B. Hayes also President?—A. No, sir; I never heard him.
- Q. Well, then, you think that Mr. Grant and Mr. Mackey are the two Presidents now?—A. Yes, sir; I think so; I heard that.
- Q. Can you read?—A. No, sir.
- Q. You cannot tell for yourself what names were on your ticket?—A. They read it for me and told me, but there were so many I cannot recollect any now but Mr. Mackey's.
- Q. Are you a member of any church?—A. Yes, sir.
- Q. Do you think it is wrong for a black man to vote the Democratic ticket?—A. No, sir; nothing wrong in it for to vote what you please.
- Q. You yourself are a Republican, are you not?—A. Yes, sir.
- Q. So far as you know, are not all your church-fellows Republicans so?—A. I don't know about any but myself. I couldn't give any account for any but myself.
- Q. Would you like one of your church brothers to be a Democrat?—I like to see every man do as he pleases.
- Q. Would you like your daughter, if you had one, to marry a Democratic nigger?—A. Just what she loves she can have.
- Q. Do you think she would be apt to love a Democrat?—A. She apt love Democrat as well as Republican.
- Q. Are there any Democratic negroes around here?—A. I couldn't tell anything about that.
- Q. Have you heard that there are a great many?—A. I have heard thing like that.
- Q. Have you not heard it asserted that some of the black people did the Democratic ticket at the last election?—A. No, sir; I never heard anything about that.
- Q. You don't know of any?—A. No, sir; I don't know of any.
- Q. Have you not heard that colored people have abused other colored people because they voted the Democratic ticket?—A. No, sir; I never.
- Q. Well, you don't pay much attention to politics at all, do you?—A. sir.
- Q. You don't know what goes on at all?—A. No, sir; I don't.
- Q. You have said if you had voted the Democratic ticket you would be afraid to acknowledge it?—A. No, sir; I would not.
- Q. You would not admit that you are afraid of any man, would you?—No, sir.
- Q. That is, you pride yourself upon being able to stand up to what you have done?—A. Yes, sir.
- Q. If you did feel some little internal fear, you wouldn't admit outside, would you?—A. No, sir.

In reply by E. W. M. MACKEY, contestant:

Q. You said you were a member of a church; now state of what church you are a member.—A. Mt. Nebo.

Q. If you had voted the Democratic ticket, is there anything at all to have made you afraid to admit it?—A. Nothing.

Deposition of Harry Graddock.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor

STATE OF SOUTH CAROLINA,

Charleston County:

HARRY GRADDOCK, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. Between 30 and 40.

Q. Where do you live?—A. Laurel Hill, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey.

Q. Did you vote more than one ticket?—A. No, sir; only one ticket.

Q. From whom did you get your ticket?—A. From Joe Seabrook.

Q. Did Seabrook read it to you?—A. Yes, sir.

Q. Are you sure you voted the same ticket Seabrook gave you?—A. Yes, sir; the same one.

Q. Had you voted the Democratic ticket would you be afraid to acknowledge it now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit the fact if it were so?—A. No reason at all to be afraid.

Q. Have you been promised any money for coming here to-day to testify?—A. No, sir.

Q. Do you expect any?—A. No, sir; I don't expect any.

Q. Is it true that a colored man in this parish cannot vote the Democratic ticket without the fear of the other colored men beating, insulting, and mobbing him?—A. No, sir; I never heard of anything of that kind.

Q. To what church do you belong?—A. Olive Branch.

Q. Have you ever heard politics preached there?—A. No, sir.

Q. Do you know William Stewart?—A. Yes, sir.

Q. To what church does Wm. Stewart belong?—A. To the same church I do.

Q. Is not William Stewart known as a Democrat?—A. Yes.

Q. Is he not a colored man?—A. Yes, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness for reasons stated in the objections to the evidence of Benj. Heyward, the first witness examined.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Were you not in here this morning while we were examining some of the witnesses?—A. Yes, sir.

Q. Did you hear the evidence of some other witnesses?—A. Yes, sir.

Q. You heard Mr. Mackey and I talking?—A. Yes, sir; I heard you talking.

Q. Don't you know, then, very well what Mr. Mackey wants you to say?—A. No, sir; I couldn't tell.

Q. You say if you had voted the Democratic ticket you wouldn't be afraid to confess it?—A. No, sir; I don't see why I should.

Q. Whether it was dangerous or not, you wouldn't hesitate to say so?—A. No, sir.

Q. You mean to say that if you voted a certain ticket you would stand up to it, and you would consider it cowardly to deny it?—A. If I voted the ticket that would be the only ticket I would vote.

Q. What I mean to say is, if you voted the Democratic ticket you wouldn't be afraid to own it?—A. I wouldn't be afraid.

Q. If you were afraid to confess that you voted a ticket, you would be admitting that you were a coward?—A. Yes, sir; I would be a coward.

Q. Whether it was dangerous or not, you would confess it all the same?—A. Yes, sir.

Q. Do you go to any church?—A. Yes, sir.

Q. Would you be willing to have a Democrat a member of your church?—A. If he is in there, if I don't desire it, I can't prevent it.

Q. Can you read?—A. No, sir.

Q. All you know, then, about the ticket you voted is what you were told?—A. Yes, sir; I heard it read before I voted it.

Q. Did you hear that some colored men had voted the Democratic ticket?—A. No, sir; I never heard of any.

Q. You never heard about it?—A. No, sir.

Q. No one ever said before you that he voted the Democratic ticket?—A. No, sir.

Q. Do you know Maj. Huguenin?—A. Yes, sir; he stays down in the village.

Q. You don't know much about him?—A. No, sir; I have seen him up here for the last eight or nine years.

Deposition of Dawson Corner.

in the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

RATE OF SOUTH CAROLINA,
Charleston County:

DAWSON CORNER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. About 30.

Q. Where do you live?—A. Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on it for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue-tickets folded within the ticket you voted?—A. No, sir.

Q. Had you voted the Democratic ticket would you be afraid to admit now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit it if you had voted it?—A. No, sir.

Q. Is it true that a colored man cannot vote the Democratic ticket in this parish without the other colored men mobbing and beating him?—A. No, sir.

Q. Were you promised anything for coming here and testifying?—A. No, sir.

Q. Do you expect to receive any pay or mileage for testifying?—A. No, sir.

Q. Can you read?—A. Yes, sir; a little.

Q. Did you read your own ticket?—A. Yes, sir; I read the name on the head of the ticket.

Q. Whose name did you read on the head of the ticket?—A. Mr. Mackey's.

Q. Is this the ticket (handing witness Republican ticket marked exhibit R)?—A. Yes, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness at this stage of the proceedings, upon the ground already stated in the objections to the evidence of Benj. Heyward, the first witness examined.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or black man?—A. I am a colored man.

Q. Were you in here this morning when we were examining some witnesses?—A. Yes sir.

Q. Did you hear what they said?—A. Yes, sir.

Q. Did you hear a conversation between myself and Mr. Mackey?—A. Yes, sir.

Q. You know very well, then, what Mr. Mackey wants you to answer?—A. No, sir.

Q. Are you a member of any church?—A. Not in full fellowship yet—following a class.

Q. Do you go to church?—A. Yes, sir.

Q. Have you heard any advice on politics given to the people in your church?—A. No, sir.

Q. Has your class-leader given you any such advice?—A. No, sir.

Q. Have you ever heard the preacher mention the subject of voting?—A. No, sir.

Q. Have you not heard that some of the preachers in the other churches have preached about politics?—A. No, sir.

Q. Never heard any mention made of it at all?—A. No, sir.

Q. What church do you propose to become a member of?—A. Long Point Baptist Church.

Q. Where is that?—A. The other side of McCant's, across to Mr. Royal's, on the other side of the creek from Mr. Horlbeck's.

Q. Have you been long attending church?—A. No, sir; not long.

Q. So you don't know what went on in the churches at the time of the last election or before that?—A. No, sir.

Q. Was not Mr. Mackey up in this section last Sunday?—A. I don't know.

Q. Did you not hear that he was?—A. No, sir.

Q. Did you hear of the investigation or examination of witnesses that was held here about two or three weeks ago?—A. Yes, sir; I heard about that.

Q. Was not the notice given out at the church?—A. No, sir; not as I know.

Q. You don't know whether it was or not?—A. No, sir; I received the notice at home.

Q. Were you not served with a summons to come here to-day?—A. No, sir.

Q. You have said that if you had voted the Democratic ticket you would not be afraid to admit it?—A. Yes, sir.

Q. Now, would you admit that you were afraid of anything?—A.

Well, not in regard to voting; you treat a man according to his respect.

Q. You respect a man, but you wouldn't admit that any man could influence you by fear?—A. No, sir.

Q. So, of course, you wouldn't say that you would be afraid to own anything you did?—A. No, sir.

Q. Because you would regard such a profession as cowardly?—A. Yes, sir.

Q. Do you know who is President of the U. S.?—A. Hayes and Wheeler.

Q. Hayes and Wheeler are both Presidents?—A. I don't know.

Q. How many Presidents are there?—A. Only one, I believe.

Q. Do you think you are bound to vote the Republican ticket?—A. No, sir; no more than by my own desire.

Q. Do you think that Mr. Mackey is God's representative down here?—A. No, sir; I don't know; I couldn't tell you anything about that.

Q. Do you think he is as good as God?—A. No, sir.

Deposition of Thos. McCall.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

THOMAS MC CALL, a witness of legal age, produced by contestant upon notice to contestee, deposes as follows in reference to questions propounded by the contestee:

Question. How old are you?—Answer. Over 75.

Q. Where do you live?—A. Matthews' Ferry, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. Mr. Mackey's ticket.

Q. The Republican ticket?—A. Yes, sir; I got it from Anthony Summersill; I knew him ever since he was a child.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir; I put it in the box.

Q. Did you vote more than one ticket?—A. Only one.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. Had you voted the Democratic ticket would you be afraid now to admit it?—A. No, sir.

Q. Is there any reason if you had voted why you should be afraid to acknowledge it now?—A. No, sir.

Q. Have you been promised any money to come here to testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness at this stage of the proceedings upon the grounds already stated in the objections to the evidence of Benj. Heyward, the first witness examined.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or black man?—A. A colored man.

Q. All you know about your ticket is what you were told?—A. Yes, sir.

- Q. Are you a member of any church?—A. Yes, sir; an old member.
 Q. Of what church?—A. Olive Branch.
 Q. Have you ever heard politics mentioned in the church?—A. No, sir.
 Q. Do you think you ought to vote the Republican ticket?—A. Yes, sir.
 Q. Is it your religion to vote it?—A. Yes, sir.
 Q. Would you like to have one of your church brothers a Democrat?—A. No, sir; I want them all to be the same as me.
 Q. Would you like your daughter to marry a Democrat?—A. No, sir.
 Q. Don't you think as a matter of principle that any man who votes the Democratic ticket ought to be put out of the church?—A. Yes, sir; he ought to be.
 Q. Would you go for putting him out?—A. Put him out.
 Q. Has anything like that been done?—A. No, sir; not as I know of.
 Q. You don't know any Democrats in your church?—A. No, sir; none in mine.
 Q. Do you think a Democrat ought to be treated like a Republican, or that you should be more polite to a Republican?—A. It ought to be.
 Q. You ought to be more polite to a Republican?—A. Yes, sir.
 Q. Well, if a woman's husband votes the Democratic ticket she ought to make his home uncomfortable for him?—A. Yes, sir.
 Q. You would give that as your advice?—A. Yes, sir.
 Q. And you an old man?—A. Yes, sir.
 Q. Do you advise people?—A. No, sir; I don't advise people; but I always tell them what is right.
 Q. Are you an exhorter in the church?—A. Pretty nigh it.
 Q. You get up sometimes and speak?—A. Yes, sir.
 Q. And you tell them what they should do?—A. Yes, sir; I tell them what is right, how to work and how to behave.
 Q. In politics and in everything else?—A. Yes, sir.
 Q. You said if you had voted the Democratic ticket you wouldn't be afraid to say so?—A. No, sir, I wouldn't; but I never voted one.
 Q. You wouldn't be afraid to say so, even if it was dangerous?—A. No, sir; if I had voted it I wouldn't.
 Q. You wouldn't be afraid to admit it even if it was dangerous, or not?—A. No, sir.
 Q. So that when you say you would not be afraid to say so if you had voted it, that has nothing to do with it whether it was dangerous or not?—A. Yes, sir.
 Q. Do you think God is a Republican?—A. I am certain of it.
 Q. Do you do whatever Mr. Mackey tells you?—A. Yes, sir.
 Q. You think he and God are working together?—A. Yes, sir; and I am certain they are working together for good.
 Q. Do you think Mr. Mackey is as good as God?—A. God is good and Mr. Mackey is good.

In reply by E. W. M. MACKEY, contestant;

- Q. Do you ever preach in the churches?—A. No, sir; I only exhort to the people.
 Q. In exhorting, do you ever say anything about politics?—A. No, sir; I never tell them about that.
 Q. Are you an exhorter in the church or in a class?—A. In a class.
 Q. You are not then an exhorter in the church?—A. No, sir.
 Q. Do you ever exhort in the church?—A. No, sir.

Deposition of Thomas Seabrook.

in the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

THOMAS SEABROOK, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. How old are you?—A. Answer. 60.

Q. Q. Where do you live?—A. On my own place, seven miles from Mt. Pleasant, in Christ Church Parish.

Q. Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Q. What ticket did you vote?—A. The Republican ticket.

Q. Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Q. From whom did you get your ticket?—A. From a young man who was holding the tickets—Summersill.

Q. Q. Did you vote more than one ticket?—A. Only one.

Q. Q. Were there any Democratic tissue tickets folded within the ticket you voted?—A. No, sir. I got it open and voted but the one ticket.

Q. Q. If you had voted the Democratic ticket, would you be afraid to admit it now?—A. Oh, no, I wouldn't.

Q. Q. Is there any reason why you should be afraid to admit voting the Democratic ticket if you had done so?—A. No, sir; there is no reason to be afraid.

Q. Q. Do you belong to any church?—A. Yes, sir.

Q. Q. To what church?—A. Olive Branch.

Q. Q. Have you ever heard politics preached in your church?—A. No, sir.

Q. Q. Do you know William Stewart?—A. Yes, sir.

Q. Q. Do you know whether or not he is a Democrat?—A. I don't know.

Q. Q. Have you been promised any money to come here and testify?—A. No, sir.

Q. Q. Do you expect any?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of his witness at this stage of the proceedings upon the ground stated in the objection to the evidence of Benj. Heyward, the first witness examined.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Q. Can you read?—A. No, sir.

Q. Q. All you know about what ticket you voted is that you heard it read?—A. Yes, sir.

Q. Q. You cannot say for yourself whether it was a Democratic or Republican ticket?—A. I say it was a Republican ticket.

Q. Q. How do you know that?—A. When I go to the poll I always enquire for the ticket I intend to vote and have it read before I vote it.

Q. Q. How long have you been around here to-day?—A. About three hours or so.

Q. Q. You have been waiting around here a long time?—A. Yes, sir.

Q. Q. Have you been talking to the men outside?—A. Some talked to me and I talked to some.

Q. Q. Have you talked to any who have been examined?—A. No, sir; was in the crowd that was examined.

Q. Q. Do you know of the examination Mr. Mackey held about the mid-

dle of November in this parish?—A. I heard about it, but I don't know about it, because I was sick.

Q. You know pretty well what they all testified to?—A. No, sir; I don't know.

Q. You have said that if you had voted the Democratic ticket you would not be afraid to confess it. Now if you had voted it you would confess and say you had voted it whether it was dangerous or not?—A. If I knew it was dangerous I wouldn't vote it.

Q. If you thought it was proper to vote a ticket and people then tried afterwards to scare you from saying you had voted it, could you be scared out of it?—A. No, sir.

Q. You don't admit that you are afraid of other men, do you?—A. No, sir.

Q. You think it would be cowardly to be afraid?—A. Yes sir.

Q. You say you are member of this church?—A. Yes, sir.

Q. How long have you been a member?—A. A long time.

Q. How many years?—A. About 16 years.

Q. Is this church that old?—A. No, sir; but I was a member five years before this church was built.

Q. Have you ever heard politics talked about or mentioned by the preachers in the churches?—A. No, sir.

Q. Never have?—A. No, sir.

Q. Are there any Democrats in your church?—A. I don't know.

Q. Do you think it is wrong for a black man to vote the Democratic ticket?—A. No, sir; I don't think it is wrong. I think every man has a right to vote according to his own notions.

Q. Have you heard that any of the colored people voted the Democratic ticket?—A. No, sir; I did not hear they did so.

Q. Did you not hear they were voting it the day of election at Mt. Pleasant?—A. No, sir; I heard no talk of it. I did not stay there the whole day. I just voted my ticket and came away.

Q. Has no one said before you that he voted it?—A. No, sir.

Q. If any who you know voted it they have kept quiet?—A. I don't know because I don't know any that voted it.

Q. Do you know any instances of women making threats against their husbands for having voted the Democratic ticket?—A. No, sir.

Q. Were not the women very much excited and stirred up in 1876?—A. Not as I know of. I never saw any.

Deposition of John Washington.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

JNO. WASHINGTON, a witness of legal age, produced by contestant upon due notice to contestee, depôses as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. I suppose I am about 40.

Q. Where do you live?—A. On Mr. Whiteside's place, on the sea-shore, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Had you voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. If you had voted it, is there any reason why you should conceal the fact?—A. No, sir.

Q. Did you vote more than one ticket?—A. No, sir, but one ticket.

Q. Were there any tissue tickets folded inside of your ticket?—A. Only the one ticket I voted.

Q. Who gave you your ticket?—A. I got my ticket in the village. A man there gave me my ticket; I can't call his name now.

Q. Did he read you your ticket?—A. Yes, sir; he read it to me when he put it in my hand.

Q. Do you know Anthony Summersill?—A. No, sir.

Q. Was it Charles F. North who gave you the ticket you voted?—A. Yes, sir; he was the man.

Q. Was Mr. Mackey's name read to you on the ticket?—A. Yes, sir, it was read to me quite plain.

Q. Have you been promised any pay for coming here to testify today?—A. No, sir.

Q. Do you expect to get any money for testifying?—A. No, sir.

Q. You came because you were summoned?—A. Yes, sir; I was up at the town hall before, but couldn't get in.

(Counsel for contestee objects to the introduction of the evidence of his witness upon the grounds stated in the objection to the evidence of Benjamin Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or black man?—A. Black man.

Q. Can you read?—A. No, sir.

Q. All you know about what ticket you voted, then, was what you were told?—A. He read me out the ticket when I got it and made me understand what it was.

Q. You are sure you voted for Mr. Mackey for President?—A. Yes, sir.

Q. Are you a member of any church?—A. Yes, sir.

Q. What church?—A. The Methodist.

Q. This same church?—A. A church lower down.

Q. What is the name of your church?—A. Zion Hill Church.

Q. Have you ever heard politics preached in the church?—A. No, sir, but I heard them preach what was right.

Q. You have heard the minister advise the people?—A. Yes, sir; I heard him preach.

Q. You have stated that if you had voted the Democratic ticket you would not be afraid to admit it?—A. Yes, sir; but I did not vote it. I cannot swear I did a thing when I didn't do it.

Q. Would you admit that you could be influenced by fear in anything?—A. No, sir.

Q. You wouldn't admit that?—A. No, sir.

Q. Therefore, when you say that if you had voted the Democratic ticket you wouldn't be afraid to admit it, you simply mean to say that if you were afraid to admit it would be cowardly?—A. No, sir; I wouldn't be scared at all. If I voted it I would say so, and if I hadn't voted it I would say so. That is a thing I have not done from the time I first voted until now.

Q. Now Mr. Mackey asked you if you had chosen to vote the Democratic ticket would you be afraid to say you had voted it?—A. No, sir; I would not.

Q. You would not say you were afraid to admit it even if it were dangerous?—A. I would not be afraid to do it.

Q. You wouldn't let any man scare you out of what you did?—A. I wouldn't let any man scare me. If I came to the poll to vote the Democratic ticket, I would do it if there was a crowd of men around me.

Q. Did you hear any talk of colored men voting the Democratic ticket at the last election?—A. I cannot say I heard any talk of that. They might have as far as I know.

Q. Did you not hear it said that some had voted the Democratic ticket?—A. If they voted it, I have nothing to do with it. No, sir; I never heard it.

Q. No man said to you he voted the Democratic ticket?—A. Not in my presence.

Q. Do you know who is the President of the United States?—A. No, sir.

Q. Is not Mr. Mackey President?—A. I done say that already.

Q. Is he not President now, so far as you know?—A. Yes, sir.

Q. You think you are bound to do whatever Mr. Mackey tells you?—A. Yes, sir.

Q. Would you like one of your church brothers to be a Democrat?—A. If I can help it I don't want any of them to be Democrats.

Q. You wouldn't be willing to have a Democrat in your church?—A. If I can help it, I don't want any.

Q. Would you not like to put him out if he was a Democrat?—A. I wouldn't like any to be in my church if I could help it.

Q. You would like to put any man out that voted the Democratic ticket?—A. We want all men to be right.

Q. You would like to do like those other churches which have put out men who voted the Democratic ticket?—A. I wouldn't put him out if was left to me; he could do as he chooses.

Q. Have any of them been put out?—A. None.

Deposition of Adam Nicholas.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

ADAM NICHOLAS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. How old are you?—Answer. I cannot exactly tell.

Q. About how old are you?—A. I am over 60.

Q. Where do you live?—A. On Mr. Ladson's plantation, on Wando River, Christ Church Parish.

Q. How far from Mt. Pleasant?—A. Thirteen miles.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. Mr. Mackey's ticket, the Republican ticket.

Q. Mr. Mackey's name on the ticket for Congress?—A. Yes, sir; Mr. Mackey's name on it for Congress.

Q. Did you vote more than one ticket?—A. No, sir; but one.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir; but the one.

Q. Had you voted the Democratic ticket, would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit it?—A. No, sir.

Q. Is it true that if you voted the Democratic ticket they would turn you out of the church?—A. I never heard of that.

Q. If you had voted the Democratic ticket, would they have turned you out of the church?—A. I never heard them speak of it; I couldn't tell what they would have done.

Q. Have you ever heard of any colored man being assaulted or beaten by the other colored men because he may have voted the Democratic ticket?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness at this stage of the proceedings upon the grounds already stated in the objection to the evidence of Benjamin Heyward, the first witness examined this day.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Can you read?—A. No, sir.

Q. How do you know, then, what ticket you voted?—A. Well, Anthony Summersill read me the ticket at Mt. Pleasant.

Q. Did you know him before the day of election?—A. Oh, yes, sir; I knew him when he was small.

Q. Do you know whether Anthony Summersill is a Republican or a Democrat?—A. No, sir; I do not know.

Q. Do you know if he is the President of the United States?—A. No, sir.

Q. Do you know who Rutherford B. Hayes is?—A. No, sir.

Q. Is not Mr. Mackey, for whom you were voting, the President?—A. We voted for Mr. Mackey for Congress.

Q. Is Mr. Mackey President now?—A. No, sir.

Q. Did you ever hear of Christopher Columbus?—A. No, sir.

Q. Do you know who is governor of this State?—A. No, sir.

Q. All you know about the ticket you voted is what somebody told you?—A. The man that gave me my ticket read it to me.

Q. Is that all you know about it?—A. Yes, sir.

Q. Did you not hear the evidence of some of the witnesses examined here this morning?—A. No, sir.

Q. Have you not been in here during the examination of some of the witnesses who testified this morning?—A. Yes, sir.

Q. Did you not hear what Mr. Mackey and I were talking about?—A. No, sir; I never heard it. I paid no attention to it.

Q. Are you a member of any church?—A. Yes.

Q. Of what church?—A. The Twelve Mile Church.

Q. Have you ever heard politics preached in that church?—A. No, sir; never.

Q. Have you not been told that some of the preachers in the other churches have preached politics?—A. No, sir; never heard anything about it.

Q. Do you know what I mean by preaching politics?—A. Yes, sir; I understand you, but I never heard it.

Q. You have never got any political advice in the church?—A. No, sir.

Q. Are there any Democrats in your church?—A. Not as I know of.

Q. Would you like it if you knew any?—A. I cannot prevent them from voting the Democratic ticket. I vote the Republican ticket and have nothing to do with them.

Q. Have you heard any talk that some of the negroes at the last

general election did vote the Democratic ticket?—A. I did hear some one speak about it, but none near by us.

Q. You have heard that some did vote it?—A. I heard that some at the village voted it, but I never saw them do it.

Q. You never saw one that said he voted it?—A. No, sir.

Q. You say that if you had voted it you would not be afraid to admit it?—A. No, sir.

Q. You wouldn't admit openly that you are afraid of anything, would you?—A. No, sir; I wouldn't be afraid of anything if I had voted it.

Q. You wouldn't admit to other men that you could be scared in any way, would you?—A. No, sir.

Q. On account of anything?—No, sir.

Q. You have a man's natural pride against admitting yourself to be afraid?—A. No, sir; no man ought to be afraid if he voted the Democratic ticket.

Q. You don't think a man ought to be afraid of anything, do you?—A. No, sir; he ought not to be afraid.

Q. You wouldn't admit that you are afraid of anything whether it is politics or not?—A. No, sir.

Q. How far have you come to testify to-day?—A. Nine miles.

Q. Now, what made you come?—A. I came because I thought it was right and just for me to come.

Q. You had a paper in the shape of a writ served on you?—A. Yes, sir.

Q. You know that paper means you must come, don't you?—A. Yes, sir.

Q. Don't you think you will gain by coming?—A. I don't look for anything that I would gain. Only I think it was right and just to come. I didn't come for money or anything else. I think it was right to come by law.

Q. You thought the law called upon you to come?—A. Yes, sir.

Q. Did Mr. Mackey send out the notices from the church; do you know whether he did or not?—A. I could not tell.

Q. You don't know?—A. No, sir.

Q. Was Mr. Mackey over in this church last Sunday?—A. I could not tell. I live higher up.

Q. Are you a white or black man?—A. I am a colored man.

Deposition of Miles Wright.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

MILES WRIGHT, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. How old are you?—Answer. 28.

Q. Where do you live?—A. Laurel Hill, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. From whom did you get your ticket?—A. From Joe Seabrook.

Q. Did he read it for you?—A. Yes, sir.

Q. Whose name did he read you on your ticket for Congress?—A. E. W. M. Mackey.

Q. Did you vote more than one ticket?—A. Only one.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted for?—A. No, sir.

Q. Had you voted the Democratic ticket, would you be afraid to acknowledge it now?—A. No, sir.

Q. Would there be any reason for you to be afraid of admitting it, if you had done so?—A. No, sir.

Q. Is there any reason for a colored man in this parish to be afraid of admitting that he voted the Democratic ticket from fear of being robbed, beaten or whipped by the other colored people?—A. No, sir; don't suppose so.

(Counsel for contestee objects to the introduction of the evidence of this witness at this stage of the proceedings upon the ground that it is merely cumulative with the evidence produced by contestant in his original case, and should have been then introduced, and is not legally a reply to the answer of contestee.)

Cross-examination by E. H. RAVENEL, counsel for contestee:

Q. You cannot read?—A. No, sir.

Q. When you testified as to who you voted for, it is only testimony depending upon what was told you?—A. Yes, sir; what was read to me.

Q. Are you a member of any church?—A. No, sir.

Q. Do you go to church?—A. Very seldom; I go sometimes.

Q. Have you ever heard politics mentioned in the church?—A. No, sir.

Q. Have you heard talk that politics have been sometimes mentioned?—A. Of course.

Q. You have heard that the preachers preached politics?—A. No, sir.

Q. Did you not hear the evidence of Robert Anderson?—A. No, sir; do not know him.

Q. Were you not here when we examined the last witness just now?—A. Yes, sir; I was here.

Q. Did you not hear Mr. Mackey talking with me about the preaching of politics in the churches?—A. Yes, sir.

Q. So that you know very well what Mr. Mackey wants to show and what I want to show?—A. No, sir.

Q. You don't know that?—A. No, sir.

Q. Have you not heard that colored men have been put out of the churches for voting the Democratic ticket?—A. No, sir.

Q. Never heard of it all?—A. No, sir.

Q. Have you not heard that some colored men were abused and talked about unpleasantly for having voted the Democratic ticket?—A. No, sir.

Q. Or expressing an intention to do so?—A. No, sir.

Q. Don't you think that such cases did exist?—A. I don't know.

Q. Don't you think the women kick up a fuss about it sometimes?—A. No, sir; I never heard any.

Q. You, yourself, are altogether a Republican?—A. Yes, sir.

Q. You were asked by Mr. Mackey if you would be afraid to admit if you had voted the Democratic ticket, and you said no. Well, you would not publicly admit as a man that you were influenced by fear in anything?—A. No, sir; I am not afraid of any one.

Q. You would not admit that you have a fear of anybody, nothing but of God?—A. No, sir.

Q. You know who is the President of the United States?—A. No, sir; I do not.

Q. You know who is the governor of the State?—A. Well, I heard.

Q. Who ?—A. Mr. Hampton, I believe.

Q. You know who Rutherford B. Hayes is ?—A. No, sir.

Q. If Mr. Mackey had got his office, he and the President would both be at the head of the government, would they not ?—A. Well, I don't know.

Q. Have you taken an oath to vote the Republican ticket ?—A. Yes, sir.

Q. When did you take that oath ?—A. The first time I went to vote.

Q. You were told that the oath which you took meant that you must ever vote for the Republican party ?—A. No, sir; but it meant that I could vote, and that I was of age to vote; and when the vote was taken I voted the Republican ticket.

Q. What I mean is this, you understood when you were swearing that that oath bound you to vote the Republican ticket ?—A. Of course I took that oath that I should vote the Republican ticket.

Redirect examination by E. W. M. MACKEY, contestant:

Q. Have you been promised any pay or any money for testifying in this case ?—A. No, sir.

Q. Do you expect to receive any ?—A. No, sir.

Recross-examination by E. H. RAVENEL, counsel for contestee:

Q. You considered you would gain by coming here and testifying ?—A. I suppose so.

Q. Was not a paper served on you ?—A. Yes, sir.

Q. Well, you thought that paper bound you to come ?—A. No, sir; but I suppose I could not come as good as I came until after I got that paper.

Q. Was it not a writ or writing; did you not get a regular subpoena or summons ?—A. I never opened it; I did not look at it.

Q. Have you ever seen a subpoena from a court or a summons ?—A. Yes, sir.

Q. Was it a regular subpoena ?—A. Yes, sir.

In reply by E. W. M. MACKEY, contestant:

Q. You said you expected to gain by coming here; what did you expect to gain by coming here ?—A. I don't expect to gain anything that I can see now.

Q. Do you expect to gain anything in the way of money ?—A. No, sir.

Q. You mean, then, it will be a gain to you to assert your rights ?—A. Yes, sir.

(Counsel for contestee objects to the last question as leading.)

Deposition of Isaac Collinton.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

ISAAC COLLINTON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you ?—Answer. I am over 75.

Q. Where do you live ?—A. Wittewood, in St. Thomas and St. Dennis Parish.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. What ticket did you vote ?—A. Mr. Mackey's ticket.

Q. The Republican ticket?—A. Yes, sir; from the time I started to vote. I calculate to die a Republican.

Q. Did you vote more than one ticket?—A. One ticket only—the Republican ticket.

Q. Were there any Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir; if I had voted it I wouldn't be afraid to admit it.

(Counsel for contestee objects to the introduction of the evidence of this witness upon the grounds already stated in the objections to the evidence of Benj. Heyward, the first witness examined.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or black man?—A. I am a black man.

Q. Can you read?—A. No, sir.

Q. How do you know what ticket you voted?—A. I know the Democratic ticket from ours, but I cannot read. When I got the ticket I carried it to three or four men to read and they said it was the right ticket. I told them I was a Republican and I wanted a Republican ticket. The Republican ticket is blue print and the rebel ticket is red print. When they gave me the ticket I got several men who could read and they told me Mr. Mackey's name was on it. I knew then it was the Republican ticket.

Q. You say the Republican ticket was printed in blue?—A. No, sir; red.

Q. Was that the kind of ticket you voted (handing witness Republican ticket marked Exhibit —)?—A. No, sir.

Q. You don't know from whom you got your ticket?—A. A colored man who said he was a Republican. He didn't read it; that is the reason I carried it to other men who could read to tell me whether Mr. Mackey's name was on it, and I cast that.

Q. You think the Democratic ticket is a rebel ticket?—A. I am not thinking, I believe it is.

Q. You know the rebels are still going on fighting?—A. Yes, sir; fighting against us all the time.

Q. You think the war is going on?—A. They are fighting against us all the time, from the first commencement until now.

Q. What do you mean by a rebel?—A. A name given them because they are wicked people—because they are against we poor colored people; they don't want to see us rise.

Q. Who told you all that?—A. Nobody told me that. I seen that myself before the State was captured. I was raised with them, but since the State was captured, thank God, I have had a sort of chance.

Q. You think the Democrats, then, are wicked?—A. No thinking that; I know it.

Q. You know the devil has them?—A. Because they are against me I think they are wicked.

Q. You would not vote the Democratic ticket?—A. I wouldn't vote one as long as I live.

Q. Is it your religion to vote the Republican ticket?—A. Yes, sir.

Q. Do you think that a colored man who votes the Democratic ticket sins against God?—A. I am sure he sins against God.

Q. If that is the case no man that votes the Democratic ticket ought to be allowed on the earth?—A. No, sir; he ought to be put off the earth.

Q. You think he ought to be put off the face of the earth?—A. Yes, sir; if they vote the Democratic ticket.

Q. No harm to beat and kill them if they vote the Democratic ticket?—A. No, sir; not much harm, because no man got a right to vote the Democratic ticket.

Q. You have stated that before?—A. I have stated that, and I mean that very thing.

Q. You believe that any black man who votes the Democratic ticket ought to be put out of the church?—A. They should not be in there. They shouldn't sit down with me, if I could help it.

Q. You would put them out?—A. A nigger that votes the Democratic ticket ain't got no right to be in a church.

Q. You wouldn't be polite to any colored man who voted the Democratic ticket?—A. Not a bit. I won't talk to him; I will keep him out of my way.

Q. You wouldn't associate with him?—A. I don't want him to come near me at all. I will charge him to keep out of my way. He shan't be company for me. I don't keep company with any man who votes the Democratic ticket.

Q. Is that the way your wife thinks about it?—A. If she heard about a man who votes the Democratic ticket and she had the power she would kill him. If any man votes the Democratic ticket he don't come near her. Both of us are red-hot Republicans.

Q. Is that the way your daughters feel?—A. I have none living. I had a good deal, but they are all dead. I had sixteen children. I only got one daughter living and she has six children.

Q. Are her children your grandchildren?—A. No, sir; some about half grand.

Q. Does that daughter of yours feel about voting the same as you do?—A. She even complains to her husband that if he votes the Democratic ticket he must not come near her, although she has so many children for him. She will leave him quick.

Q. Do some of your neighbors feel the same as you do?—A. Yes, sir; their heart dotes upon Republican. There is not one who can bear to hear talk about the Democrats.

Q. All the people in your neighborhood are Republicans?—A. Yes, sir.

Q. And they do not associate with the Democrats, and would put them out of the church?—A. Yes, sir; all the people there are Republicans, and if there is a Democratic man around there I don't know him.

Q. If any man came around there after voting the Democratic ticket you would be pretty apt to beat him and make it hot for him?—A. He may walk off, and I will have nothing to do with him, but he must not come near my residence.

Q. If they came in your church?—A. They don't come in there.

Q. You would make him come out?—A. I wouldn't knock him; I would order him out. He shouldn't stay in there—no man that votes the Democratic ticket.

Q. Is that the way your whole church feels?—A. As far as they say to me, they say they wouldn't have no man or woman who had anything to do with the Democratic ticket in our church.

Q. You have heard them say that?—A. Yes, sir.

Q. Is that the way your preacher thinks?—A. The preacher worse than myself. He wouldn't put up with it.

Q. Is that what your preacher tells you in the church?—A. Yes, sir. If any one belonging to that church votes the Democratic ticket he

ouldn't be in there. I wouldn't have them in there either, because they are voting against themselves, and they wouldn't get in there with me.

Q. If any man around there had voted the Democratic ticket he would be afraid to say so?—A. He would have to keep far from us.

Q. He would be afraid to come there and say he voted it?—A. Oh, Lord, es.

Q. Do any of the other preachers think the same way as your preacher?—A. I have heard them preach much of the same talk.

Q. Do you know any other preachers?—A. Yes, sir; I am acquainted with enough.

Q. And they all talk that way?—A. Yes, sir; Republicans all travel together in preaching and every way, but as soon as we hear about Democrats, they have to keep off.

Q. Those other preachers give it out in their churches in the same way?—A. Oh, Lord, yes.

Q. You heard it preached in other churches, too?—A. Oh, yes; I go to different churches.

Q. All preach against the Democrats?—A. Yes, sir; all the churches round by me is against them. Anybody that votes the Democratic ticket must keep away from us. We don't want to hurt their feelings, ut they must not mix up with us.

Q. There is no doubt that it is dangerous for a man to vote the Democratic ticket around by you?—A. Dangerous for true.

Q. You would threaten him?—A. We wouldn't threaten him, but he just keep off. He can stay if he votes the Republican ticket, but if he joins the Democrats he must keep off.

Q. Have you heard some of the other women say that if their husbands voted the Democratic ticket they wouldn't stay with them; that they wouldn't let them come in their beds?—A. They wouldn't let them come near them. Every woman I know around me swears that if their usband votes the Democratic ticket they shall never come near them, they have one hundred children for them.

Q. The women come out when the men are going to vote and charge them that as the last thing?—A. Yes, sir; and tell them that if they ote the Democratic ticket they must not come near them in this world. hey don't want them about them.

Q. Where did you vote at the last election?—A. At Mt. Pleasant.

Q. Did you hear that there were some black men there who voted the Democratic ticket?—A. I heard here, after the voting was over, some f our Republican men say that some of these rascals had voted the Democratic ticket. I did not stay at the polls very long. I live so far, put my ticket in and went back home.

Q. Some of your crowd said that they had seen colored men vote the Democratic ticket?—A. Yes, sir.

Q. These men who voted it don't say anything about it now?—A. No, r.

Q. You think the men who voted it keep mighty quiet?—A. Yes, sir; suppose so.

Q. Why do they keep quiet?—A. I cannot tell.

Q. You think it is fear that keeps them quiet?—A. Yes, sir; I think ,.

Q. You think it might be pretty hot if they didn't keep quiet?—A. es, sir. They can't make any alarm about that. If they did, they uldn't get on well—not in my parish.

Q. Have you got any acquaintances in this part of Christ Church

Parish?—A. I got some people here; me and them use to be together in rebel times—one woman and one old man I know down here.

Q. They all feel here pretty much the same as you do?—A. All have the same idea—Republicans.

Q. So far as you know, that same sort of feeling against colored Democrats exist all over the county?—A. All over my county. I don't mix up with any man that votes for the Democrats.

Q. Every man that knows you feels the same way?—A. Yes, sir.

Q. You just came down here a little while before you were called in to testify?—A. Yes, sir.

Q. So you don't know anything about what was said before you came?—A. No, sir.

In reply by E. W. M. MACKEY, contestant:

Q. What church do you attend?—A. The Methodist Church.

Q. What is the name of it?—A. Mount Nebo, up the road.

Q. About 12 miles from Mt. Pleasant?—A. Yes, sir.

Q. Who preaches at that church?—A. Taylor.

Q. Henry Taylor?—A. Yes, sir.

Q. What are the names of the other you attend?—A. Olive Branch and Zion Hill.

Q. Do you attend these churches?—A. Both of these churches.

Q. Do you attend any other?—A. No, sir.

Q. These are the only churches you attend?—A. Yes, sir.

Q. All Methodist Churches?—A. Yes, sir.

Q. Do you know of any one being turned out of either of these churches for voting the Democratic ticket?—A. None never voted it that I know.

Q. Where do you live?—A. At Wittewood.

Q. In what parish?—A. St. Thomas and St. Dennis.

Q. Then you don't live in Christ Church Parish?—A. No, sir.

Q. In voting, do you usually vote at Mt. Pleasant?—A. No, sir; I only there the last time.

Q. In the election before, where did you vote?—A. At Wappetaw.

Q. Did you vote at Mt. Pleasant because it was the nearest poll to you?—A. Yes.

Q. The polling place in your parish is farther away from you than Mt. Pleasant?—A. Yes, sir.

Q. Do you know of any woman having left her husband because he had voted the Democratic ticket?—A. None up in my district.

Q. (By H. E. RAVENEL.) Because none never voted?—A. No, sir; none never voted it.

Deposition of Lewis Goodwin.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

LEWIS GOODWIN, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. I was born in 1850.

Q. Where do you live?—A. On Cramblin, this side of Farrabee, on the sea-shore.

Q. How far from Mt. Pleasant?—A. About 18 miles.

- Q. Where did you vote at the last general election?—A. Mt. Pleasant.
Q. What ticket did you vote?—A. The Republican ticket.
Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.
Q. Did you vote more than one ticket?—A. One ticket.
Q. Were there any small Democratic tissue tickets inclosed within the ticket you voted?—A. No, sir; I had my ticket open, and examined it.
Q. If you had voted the Democratic ticket, would you be afraid to admit it now?—A. No, sir; I would not.
Q. What church do you belong to?—A. Mount Nebo church.
Q. Who preaches at that church?—A. Mr. Taylor.
Q. Henry Taylor?—A. Yes, sir.
Q. Have you ever heard him preach politics in that church?—A. No, sir.
Q. Has he ever advised the people as to how they should vote?—A. No, sir.
Q. Have you ever known of any man being turned out of that church or voting the Democratic ticket?—A. No, sir.
Q. If a member of that church voted the Democratic ticket, would he be expelled for so doing?—A. Every member votes as he pleases.
Q. Is there any understanding in that church that if any member of it votes the Democratic ticket he must be expelled?—A. No, sir.
Q. Do you visit any other church besides Mount Nebo?—A. Yes, sir; Zion Hill.
Q. Who preaches at that church?—A. Mr. Henry Taylor also.
Q. Have you ever heard him preach politics in that church?—A. No, sir.
Q. Has any member ever been turned out of that church for voting the Democratic ticket?—A. No, sir.
Q. Is there any understanding among the members of that church that any one voting the Democratic ticket must be turned out?—A. No, sir.
Q. Have you been promised any money to come here and testify?—A. No, sir.
Q. Do you expect to receive any?—A. No, sir.
(Counsel for contestee objects to the evidence of this witness upon the grounds already stated in the objections to the evidence of Benj. Heywards.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

- Q. Can you read?—A. Yes, sir, a little.
Q. Did you read the ticket which you voted?—A. Yes, sir.
Q. In what kind of ink was it printed?—A. In red ink.
Q. What office was Mr. Mackey running for?—A. I voted for him for Congressman.
Q. How long have you been here to-day?—A. I got here at 11 o'clock.
Q. It is now near five o'clock, so that you have been here five or six hours?—A. Yes, sir.
Q. You have been out amongst the witnesses?—A. Yes, sir; I have been sitting out there.
Q. Don't you know very well what Mr. Mackey is trying to show?—A. No, sir.
Q. Do you not know what you came here to testify to?—A. I came here only because I was summoned.

Q. Have you been talking to the crowd outside?—A. I have had no talking with anybody.

Q. Are you not acquainted with those men?—A. I am acquainted with Smalls and Seabrook, but I don't know many of the others down this way. I stay away up the road.

Q. How many miles have you come to-day to testify?—A. About 14 miles.

Q. Don't you know what Mr. Mackey wants to prove by you?—A. No, sir; I don't know. I only came because summoned.

Q. Did you not come down here to say you voted for him?—A. I don't know what I came to say, but I know what I did.

Q. Don't you think it is an advantage for you to come here to-day to testify?—A. I don't know whether it will be a gain or loss. I came because I was summoned.

Q. You were willing to come?—A. Yes, sir.

Q. Did you know that the summons was from Mr. Mackey?—A. I saw Mr. Mackey's name on it.

Q. Was the notice given out in your church about this examination?—A. No, sir; I never heard it in the church.

Q. Have you heard that some of the colored people voted the Democratic ticket?—A. No, sir; I never heard that.

Q. Where did you vote at the last election?—A. At Mt. Pleasant.

Q. You did not hear any talk there about the colored people voting the Democratic ticket?—A. No, sir.

Q. You live so far you did not stay there very long?—A. Yes, sir; it was a good while before I got in.

Deposition of Moses Gailliard.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

MOSES GAILLIARD, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 30.

Q. Where do you live?—A. Laurel Hill, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey's.

Q. From whom did you get the ticket you voted?—A. Joe Seabrook.

Q. Did he read the ticket or any portion of it to you?—A. Yes, sir.

Q. Do you recollect any of the names he read you?—A. No, sir; none but Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue ticket, folded within the ticket you voted?—A. No, sir.

Q. If you had voted the Democratic ticket, would you be afraid to admit it now?—A. No, sir; I wouldn't be afraid.

Q. Is there any reason why you should be afraid to say that you had

voted the Democratic ticket if you had really done so?—A. No, sir; no reason at all.

Q. Have you been promised any pay to come here and testify to-day?—A. No, sir.

Q. Do you expect to receive any?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness upon the grounds stated in the objection to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or colored man?—A. Colored man.

Q. Didn't you know Mr. Mackey wanted you to come here to-day and testify?—A. Yes, sir.

Q. You are very glad to testify to anything for Mr. Mackey?—A. Yes, sir; I am very glad to testify to anything that is the truth.

Q. You were asked if you would be afraid to admit that you had voted the Democratic ticket, if you had done so, and you said you would not be afraid to admit it. Well, to admit that you would be afraid would be to admit that you were a coward, would it not?—A. Yes, sir.

Q. And of course you would not admit yourself to be a coward?—A. I am not a coward.

Deposition of Walter Hagan.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

WALTER HAGAN, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 35.

Q. Where do you live?—A. Remley's Point, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. Summersill gave me my ticket.

Q. Was it a Democratic or Republican ticket?—A. A Republican ticket.

Q. Whose name was on it for Congress?—A. E. W. M. Mackey's.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid?—A. No, sir.

Q. Did you vote more than one ticket?—A. Only one.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir; I voted only one ticket.

Q. Have you been promised any money to come here and testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness upon the grounds stated in the objections to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or a black man?—A. I am a black man.

Q. How soon did you get here to-day?—A. About ten o'clock.

Q. So you have been around here all day?—A. Yes, sir; from ten o'clock.

Q. You have been outside with a number of other men?—A. Yes, sir.

Q. You have heard a good deal of talk around here to-day?—A. Yes, sir; a good deal. If you are in the road you talk; if you go to meeting you talk.

Q. So you met a number of these witnesses to-day, and you were talking?—A. Yes, sir.

Q. Did you talk with Mr. Mackey to-day?—A. No, sir; I have had no talk with him to-day.

Q. Did not Mr. Mackey give you something to eat?—A. Yes, sir; he gave me something to eat, but you didn't give me any.

Q. You came here to-day to say you voted the Republican ticket?—A. Yes, sir; I myself voted it.

Q. That is all you came here to-day for?—A. Yes, sir.

Q. You knew Mr. Mackey wanted you to come?—A. Yes, sir.

Q. You knew what he brought you here for?—A. Yes, sir.

Q. You told Mr. Mackey if you had voted the Democratic ticket you wouldn't be afraid to admit it?—A. Yes sir; I told him so.

Q. If you were afraid would not that be cowardly?—A. Yes, sir.

Q. So you are not going to admit yourself to be a coward?—A. No, sir; of course not.

In reply to E. W. M. MACKEY, contestant:

Q. If you were compelled to choose between telling a lie and admitting you were a coward, which would you rather do, admit you were a coward or tell a lie?—A. I would speak the truth.

Q. You don't quite understand me. If you were compelled either to tell a lie or tell a man you were a coward, which would you do?—A. I wouldn't tell him I was a coward. I would speak the truth if I died.

Q. But suppose you had to decide between lying and admitting you were a coward, would you tell a lie in order to make out that you were not a coward?—A. No, sir.

Deposition of Cain Goodwin.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

CAIN GOODWIN, a witness of legal age, propounded by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 67.

Q. Where do you live?—A. On my place, in Christ Church Parish, 17 miles from Mt. Pleasant.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. Only one.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. If you had voted the Democrat ticket, would you be afraid to admit it now?—A. No, sir.

Q. Is it true that a colored man in this parish cannot vote the Demo-

eratic ticket without the fear of the other colored men beating, mobbing, or insulting him?—A. No, sir.

Q. To what church do you belong?—A. The Baptist church.

Q. Did you ever hear politics preached in your church?—A. No, sir.

Q. Did you ever know of any man being expelled from it for voting the Democratic ticket?—A. No, sir.

Q. Were you promised any money to come here to day and testify?—A. No, sir.

Q. Do you expect to receive any?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness upon the grounds stated in the objection to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Can you read?—A. No, sir, not much.

Q. Do you know what ticket you voted at the last election?—A. Yes, sir.

Q. How did you know?—Because Joe Seabrook gave me the right ticket.

Q. Did you know Seabrook before the day of election?—A. Yes, sir, I did.

Q. You were very slightly acquainted with him?—A. I was not much acquainted with him, but I knew him slightly.

Q. What office was Mr. Mackey running for?—A. I don't know.

Q. Is Mr. Mackey the President?—A. I don't know.

Q. You don't know whether that gentleman there (pointing to Mr. Mackey) is the President or not?—A. No, sir.

Q. Do you know who is the President of the United States?—A. No, sir.

Q. Is the United States in North or South America?—A. I don't know.

Q. You never heard about that?—A. No, sir.

Q. Are you a member of any church?—A. Yes, sir.

Q. Which church?—A. The Baptist church.

Q. Tell us where your church is?—A. The Baptist Church is on the Seewee road, a little below the 15 miles post.

Q. Do you think it right to vote the Democratic ticket?—A. Let every man do as he pleases, whatever he minds to do.

Q. Would you be willing for one of your church brothers to vote it?—A. It matters no difference what one they vote, it is all the same to me.

Q. Would you feel as cordial to one who voted it?—A. To be sure. Yes, sir, I would feel just as friendly as I feel to myself.

Q. Have you not been around here a great deal to-day?—A. Yes, sir.

Q. How long?—A. I came here to day about 10 o'clock.

Q. It is now four o'clock; you have been here about 5 or 6 hours?—A. Yes, sir.

Q. You know very well how the evidence is going, and what Mr. Mackey wants you to prove for him?—A. No, sir, I don't know anything about that.

Q. Have you not been outside there among all those men, all of them witnesses all day, some examined, and some not examined?—A. Yes, sir; I have been there.

Q. Five or six hours?—A. Yes, sir. I saw several come out, but I thought they came here to explain how they voted last year. That is the reason why I came here to explain how I voted.

Q. Would you agree to put a man out of your church who voted the Democratic ticket?—A. No, sir.

Q. Have you not heard the preacher mention it in the church?—A. No, sir; I never heard the preacher mention that.

Q. Have you not heard of some colored people who would not associate with Democratic negroes?—A. No, sir; I never heard that.

Q. You have been asked if you voted the Democratic ticket if you would be afraid to confess it.—A. No, sir; I would not if I did it.

Q. Would you admit that the fear of men can influence you in anything; you would not admit that any man can make you afraid, will you?—A. No, sir.

Q. So if you had voted the Democratic ticket, whether it was dangerous or not, you would stand up to it all the same?—A. Yes, sir; I will.

Q. You would think it cowardly to do anything else?—A. Yes, sir.

Q. That is the reason you would not deny it?—A. Yes, sir; that is the reason why I would not deny if I had voted it.

Deposition of Richard Yeadon.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

RICHARD YEADON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 62.

Q. Where do you live?—A. On Dr. Joshua Toomer's place, in Christ Church Parish.

Q. Is that the place Dr. Toomer plants?—A. Yes, sir.

Q. Did you ever promise Dr. Toomer that you would vote the Democratic ticket?—A. No, sir. I have been with him eight years, and never made any such promise to him.

Q. Did he ever try to induce you to vote the Democratic ticket?—A. No, sir; he didn't bother me.

Q. What ticket did you vote at the last general election?—A. The Republican ticket. I got it from Anthony Summersill.

Q. Where did you vote?—A. Mt. Pleasant.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir; I wouldn't be afraid. Whatever ticket I voted I would say. If I voted the Democratic ticket I would not be afraid to say so.

Q. Did you vote more than one ticket?—A. One ticket only.

Q. Was Mr. Mackey's name on your ticket for Congress?—A. Yes; Mr. Mackey's name was read to me on the first line. Anthony Summersill read Mr. Mackey's name for me.

Q. How long have you known Anthony Summersill?—A. I have known him from his childhood days.

Q. Are you sure you voted the same ticket Summersill gave you?—A. I am sure.

Q. Did you get a ticket from any other man?—A. No, sir; the one I got from Summersill I held in my hand until I put it in the box.

Q. Were there any tissue-tickets folded within the ticket you voted?—A. There could not be; I folded it myself, and there was none in it.

(Counsel for contestee objects to the introduction of the evidence of

his witness upon the ground stated in the objection to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, consul for contestee:

Q. Can you read?—A. No, sir, I can't.

Q. All you know about your ticket, then, is what was told you?—A. Yes.

Q. That is everything you know about it?—A. That's all.

Q. How long have you been here to-day?—A. I came here at eleven o'clock, precisely.

Q. Do you know what time it is now?—A. Not five yet.

Q. It is about five o'clock?—A. I know it is after four, but I know it is after five yet.

Q. So you have been around here about six hours?—A. Yes, sir.

Q. Have you been talking with the men out there?—A. We were talking from one thing to another.

Q. You have talked to some who have been examined and some who have not been?—A. No, sir; we generally talked privately to ourselves. As soon as one gets through he puts out for home. All we were talking about was how to get in and get through.

Q. Has Mr. Mackey said anything to you?—A. Nothing more than what he said to me at the table here.

Q. Did Mr. Mackey give you something to eat a while ago?—A. Yes, sir; a small bit. He passed me a cake, but he didn't say anything.

Q. You had a general idea when you came here that Mr. Mackey wanted you to testify for him?—A. I don't know for certain. I came here to tell how I voted. He is the only man's name I know on the ticket. I am certain I cast my vote for him the last time I voted at Mt. Pleasant.

Q. Do you think it is to your advantage to come here to testify?—A. I think it is a man's duty to come, unless he is sick.

Q. Do you think you are going to gain anything by coming?—A. I don't know whether there is anything to gain, but I hope I won't lose anything by it.

Q. You have lost your day's work.—A. Yes, sir; but many times a man has to do that.

Q. Do you think you will get it back?—A. I will never get it back in this world. I will have to hire somebody to do my work and then I will lose.

Q. You said if you had voted the Democratic ticket you wouldn't be afraid to admit it?—A. Yes, sir, I said so. If I voted the Democratic ticket I wouldn't be afraid to admit it.

Q. You wouldn't admit that you were afraid of anything?—A. I ain't afraid of anything.

Q. You wouldn't admit that you are afraid of other men?—A. Whatever I do I ain't afraid to admit if it is right.

Q. Suppose some man tried to scare you, you wouldn't admit you were afraid?—A. If a man tried to scare me, after I saw he was trying to scare me, I would look over it, and after looking over it, I say he couldn't scare me; but any wild varmin I will be scared until I get out of the way. Of course I feel afraid of wild beast.

Q. But you wouldn't admit that you are afraid of any man?—A. No, sir, I ain't afraid of man—not a man like myself.

Q. You are not going to admit that you are a coward?—A. I will admit I am a coward in this way: If I see two or three men going to

double bank me I am going to get out of the way, but if one man comes I will try my strength with him.

Q. As you didn't vote the Democratic ticket, you have never been tried whether or not you were afraid to admit it?—A. Never been tried.

Deposition of Adam Drayton.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ADAM DRAYTON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 69.

Q. Where do you live?—A. At Dr. Joshua Toomer's place.

Q. Do you live on the place where he is planting?—A. Yes, sir.

Q. Did you ever promise Dr. Toomer to vote the Democratic ticket?—A. No, sir.

Q. Did you ever promise anybody else to vote it?—A. No, sir.

Q. What ticket did you vote?—A. E. W. M. Mackey's ticket.

Q. The Republican ticket?—A. Yes, sir.

Q. Where did you vote?—A. At Mt. Pleasant.

Q. Did you vote more than one ticket?—A. One ticket.

Q. If you had voted the Democratic ticket, would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should keep it secret if you had voted it?—A. There is none, if I had voted it; that is a thing I would not condescend to do.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. From whom did you get your ticket?—A. From Anthony Summersill.

Q. How long have you known Summersill?—A. Since he was a boy.

Q. He lives in your neighbourhood?—A. On Mr. Mitchell's place.

Q. Did you take a ticket from any one else but Summersill?—A. Nobody else; that was the only ticket I had in my hand.

Q. Were you promised anything for coming here to-day to testify?—A. No, sir.

Q. Do you expect to get any money?—A. No, sir; I just came because I thought it was my duty.

Q. Because you were summoned?—A. Yes, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness upon the grounds stated in the objection to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or black man?—A. I am a black man.

Q. How long have you been here to-day at this church?—A. I came about 10 o'clock.

Q. And it is now almost dark, so you have been here pretty much all day?—A. Yes, sir.

Q. Have you been talking around with the witnesses?—A. No, sir; I had no talking since I came here to-day.

Q. Have you sat down silent here for seven or eight hours?—A. Yes,

sir; I sat down right peaceable, too ; all I had to do was to sit down until they were ready for me.

Q. You sat down all day without talking to them ?—A. I never had any talk with them ; I don't talk much anyhow.

Q. Was Dr. Toomer your former owner ?—A. No, sir ; Mr. William Lucas. I was born in his hands and grew up in his hands.

Q. Did you hear Dr. Toomer say anything at all about voting before the day of the last election to the negroes ?—A. No, sir.

Q. Did you hear any of the people on the place say that Dr. Toomer had spoken to them ?—A. No, sir.

Q. Is Dr. Toomer a truthful-speaking man ?—A. Well, sir, he is a very candid man since I have been living with him. I have never found anything wrong in him, and I have been living with him very nearly seven years.

Q. Dr. Toomer is a candid man ?—A. To me he is ; he never speaks anything but what he will do.

Q. So that if Dr. Toomer had said that some of the people had told him they would vote with him, or vote the Democratic ticket, the statement, as far as your experience goes, is reliable ?—A. I don't know.

Q. Would you believe him ?—A. I don't know what to say about that, because I did not hear him say anything about that.

Q. If he says any of the people did promise him that, would you not believe him ?—A. No, sir ; I don't think I would believe him much about that.

Q. Why would you not believe him ?—A. I don't think anybody would be so ignorant as all that—as to vote the Democratic ticket.

Q. So far as you know, you would believe what Dr. Toomer says generally ?—A. Yes, sir ; I always believe what he tells me. If I ask him a question he will tell me the truth.

Q. You have always found him truthful ?—A. Yes, sir.

Q. So, then, when you say that if he was to say some of his people had promised to vote the Democratic ticket, you would doubt the statement only because of your opinion of the negroes and not because you think Dr. Toomer an unreliable man ?—A. The only reason I would disbelieve him is that I don't think anybody ought to vote the Democratic ticket. I never did it myself.

Q. You would believe Dr. Toomer in everything except that ?—A. Yes, sir ; in everything except that.

Q. You have no reason to doubt Dr. Toomer's word ?—A. No, sir.

Q. You have no reason to believe that Dr. Toomer would lie ?—A. No reason.

Q. Mr. Mackey has asked you if you had voted the Democratic ticket ; would you be afraid to admit it ?—A. I wouldn't be afraid to acknowledge it if I did.

Q. You say you wouldn't be afraid ?—A. No, sir ; not if I did vote it.

Q. Not having voted it you have never been tried to see if you would be afraid or not ?—A. No, sir ; of course not.

Q. And it would be cowardly for you to deny it if you had done so ?—A. That is so.

Q. You will not admit that anybody can influence you by fear ?—A. No, sir ; nobody can frighten me.

Q. You would think it cowardly to be scared ?—A. Yes, sir.

Q. And you mean to say you would admit what you had done whether it was dangerous or not ?—A. If a man does a thing, dangerous or not, he may as well admit it, because it will be found out hereafter.

Q. So when you say that if you had voted the Democratic ticket you

would not deny it, that has nothing to do with the question whether it was dangerous or not, because you would admit it whether it was dangerous or not?—A. If I did vote the Democratic ticket, it would be just as well for me to admit it. I would be telling a lie if I didn't.

Q. Did you hear some talk that there were some colored men who voted the Democratic ticket at the last election?—A. No, sir.

Q. You didn't hear of any?—A. No, sir.

Q. You don't know whether any did or not?—A. No, sir.

Deposition of Caesar Rivers.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

CÆSAR RIVERES, a witness of legal age produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. How old are you?—Answer. 54.

Q. Where do you live?—A. Andersonville, Christ Church Parish, Charleston County.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. I voted for Mr. Mackey.

Q. Did you vote the Republican or Democratic ticket?—A. The Republican ticket.

Q. Did you vote more than one ticket?—A. One ticket only.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. Had you voted the Democratic ticket would you be afraid to admit it now?—A. No, sir; not in the least.

Q. Is it true that a colored man in this parish cannot vote the Democratic ticket without being mobbed and insulted by the other colored men?—A. No, sir; that is a lie.

Q. Have you ever heard of a colored man being turned out of any of the colored churches because he voted the Democratic ticket?—A. No, sir.

Q. What church do you belong to?—A. The Baptist Church, on the Seawee road.

Q. From whom did you get your ticket?—A. From Joe Seabrook.

Q. Are you sure you voted the same ticket Joe Seabrook gave you?—A. I wouldn't trust him. I went to several other men to be certain that I had the Republican ticket. Mr. Freeman asked me to vote his ticket. I told him no. He asked me why. I told him I had taken an oath to vote the Republican ticket.

Q. Which one of the Freemans was it?—A. Mr. Oswald Freeman. I showed him the ticket I had, and he said, "That is Mackey's ticket; that's no good."

(Counsel for contestee objects to the introduction of the evidence of this witness upon the grounds stated in the objections to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. You say you wouldn't trust Seabrook about your ticket?—No, sir; I went to three more men, to be certain about it.

Q. Did you think Seabrook was tricky?—A. No, sir; I never knew

anything wrong about him. He is an honest man; but as the world goes there is no harm in watching a man even if he is honest.

Q. But when he told you it was a Republican ticket you had not perfect confidence in him, but you went and asked some one else?—A. Yes, sir.

Q. Have you been around here all day?—A. Yes, sir; all day. I think I got here about ten o'clock.

Q. So you have been out there talking with the other men all this time?—A. Yes, sir.

Q. You were talking with the men about all sorts of things, and the examination also?—A. Yes, sir; but no question about the examination.

Q. Were you not examined as a witness by Mr. Mackey at the examination held here about the middle of November?—A. I was not examined that time.

Q. Were you at the Ten-Mile House during the former examination?—A. Yes, sir; but I was there no time at all. I believe I was there about an hour and a half. I went off and couldn't come back. A young man in the village told me to be here this day. When I got here I found a summons for me from Mr. Mackey.

Q. You know very well what the drift of the evidence has been?—A. What do you mean by that?

Q. You know very well what Mr. Mackey wants you to say?—A. Yes, sir.

Q. Are you anxious to testify for Mr. Mackey?—A. Yes, sir.

Q. You say if you had voted the Democratic ticket you would not be afraid to admit it?—A. No, sir; I wouldn't.

Q. That is because it would be cowardly for any man to vote a ticket and then be afraid to say so?—A. It would be for a man to vote a ticket and not admit it.

Q. It would be a cowardly thing in him?—A. Yes, sir.

Q. And you wouldn't admit that anybody could make you afraid?—A. No, sir.

Q. And if you did a thing, whether it was dangerous or not, you would say you did it?—A. Yes, sir.

Q. And you would think yourself a coward if you did not?—A. Yes, sir.

Q. Have you not heard some talk that there were some colored Democrats around the village?—A. No, sir.

Q. Don't you know that Cephas Lewis is a colored Democrat?—A. I don't know the man.

Q. You have never heard any colored man confess that he voted the Democratic ticket?—A. No, sir.

Deposition of Joseph Seabrook.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

JOSEPH SEABROOK, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 45.

Q. Where do you live?—A. Woodland, Christ Church Parish, Charleston County.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. From whom did you get the ticket you voted?—A. From Joe Seabrook.

Q. Did you vote more than one ticket?—A. No, sir; just one.

Q. Were there any Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. Where does the Joe Seabrook who gave you your ticket live?—A. About a mile from where I stay, on the same tract of land.

Q. Was he the Joe Seabrook who was giving out tickets to Republicans at Mt. Pleasant?—A. Yes, sir. (Witness identifies Joseph Seabrook who testified on the 13th November as the person who gave him the ticket which he voted.)

Q. Are you certain you voted the ticket Seabrook gave you?—A. Yes, sir.

Q. Did you have any other ticket but that one in your hand?—A. No, sir.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. Oh, no, sir.

Q. Is there any reason why you should be afraid to admit it if you had voted it?—A. No reason at all.

Q. To what church do you belong?—A. Olive Branch Church.

Q. Did you ever hear politics preached in that church?—A. No, sir; not on Sunday.

Q. Have you been promised any money to come here and testify?—A. No, sir.

Q. Do you expect to receive any money for testifying in this cause?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness, upon the grounds stated in the objections to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a black man?—A. Yes, sir.

Q. How long have you been here to-day?—A. I came here about nine o'clock, as near as I can guess.

Q. So you have been here all day?—A. Yes, sir.

Q. Been out there talking amongst the witnesses?—A. Yes, sir; I have been out there, but I can't say I have been talking amongst the witnesses.

Q. Have not you and the other men out there been talking?—A. I was sitting on the bench among a good many men, but we had nothing particular to talk about.

Q. Don't you know very well what you came here to-day for?—A. Yes, sir.

Q. Don't you know what you all came for?—A. Yes, sir.

Q. To testify for Mr. Mackey?—A. Yes, sir.

Q. You think it is to your advantage to testify for Mr. Mackey?—A. Well, I think so.

Q. You expect to gain by it?—A. Well, I expect to gain my right in some shape or form; I don't know how it will be.

Q. Don't you know a witness is entitled to his pay and mileage for coming here?—A. Yes, sir; I heard about witnesses being entitled to pay, but I don't expect any pay for this day.

Q. You had a summons served on you?—A. Yes, sir.

Q. You say you are a member of this church?—A. Yes, sir.

Q. And you have never heard politics preached in it on Sunday?—A. No, sir; I never heard politics preached in the church among my color.

Q. Did you not say you had not heard it preached on Sunday?—A. I don't come here except on Sunday.

Q. Do they have week-day meetings in the church?—A. No, sir; sometimes, once a year or so, they may have a meeting in the week.

Q. You have said that if you voted the Democratic ticket you would not be afraid to admit it?—A. Yes, sir; I said so.

Q. Would it not be cowardice for you to be afraid to admit what you had done?—A. Yes, sir; it would be.

Q. Of course you wouldn't admit that you were a coward?—A. I don't think I have any reasons for being a coward.

Q. You have no reason to admit that you are a coward?—A. No, sir; not if I voted according to my own desire.

Q. As you say you didn't vote the Democratic ticket, you have not been tried whether you would be afraid or not?—A. No, sir; no one ever tried me and I never voted any either.

Deposition of Mitchell Wilson.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

MITCHELL WILSON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 30.

Q. Where do you live?—A. In Christ Church Parish, on Mr. Holbeck's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it would be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir.

Q. What ticket did you vote?—A. Mr. Mackey's ticket—the Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. From whom did you get your ticket?—A. From Anthony Summersill.

Q. Did he read any of the names on it to you?—A. He read the names on it, but I only remember Mr. Mackey's name.

Q. Have you been accustomed to hear Mr. Mackey's name in this parish?—A. Yes, sir; we know Mr. Mackey's name well.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any Democratic tissue-tickets folded within the ticket you voted?—A. No, sir.

Q. Have you been promised any pay to come here to-day and testify?—A. No, sir.

Q. Do you expect to receive any?—A. No, sir.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

(Counsel for contestee objects to the introduction of the evidence of

this witness upon the grounds stated in the objections to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or colored man?—A. A colored man.

Q. Didn't you know Mr. Mackey wanted you to come here to-day and testify?—A. Yes, sir.

Q. You came to testify for him?—A. Yes, sir.

Q. You are very glad to testify for him?—A. Yes, sir; the truth and nothing else.

Q. Mr. Mackey asked you if you had voted the Democratic ticket; would you be afraid to admit it?—A. No, sir; I wouldn't.

Q. If you said you would be afraid would not that be calling yourself a coward?—A. Yes, sir.

Q. And of course you wouldn't admit that you are a coward?—A. No, sir.

Q. Did you hear the evidence of Moses Gailliard?—A. Yes, sir.

Deposition of Thos. Tunno.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

THOMAS TUNNO, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 60.

Q. Where do you live?—A. In Christ Church Parish, Charleston County.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should not admit it if you had voted it?—A. No, sir; I know no reason.

Q. What ticket did you vote?—A. Mr. Mackey's ticket—the Republican ticket.

Q. Did you vote more than one ticket?—A. One single ticket.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. Have you been promised any pay to testify in this matter?—A. No, sir.

Q. Do you expect to receive any?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness upon the ground stated in the objection to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or colored man?—A. A colored man.

Q. How long have you been around here to-day?—A. I came here about eight o'clock this morning.

Q. Were you in here when we examined John Geddis, Robert Anderson, and these men?—A. I was here, but I was not in here long before you made us go out.

Q. You heard four or five men examined?—A. Yes, sir.

Q. Did you hear Mr. Mackey and myself talking?—A. Yes, sir.

Q. And, since we turned you out, you have been in the crowd of witnesses outside all day?—A. Yes, sir.

Q. So you know very well what you came here for and what you are expected to testify to?—A. Yes, sir.

Q. Don't you know that you came here to testify for Mr. Mackey?—A. Yes, sir.

Q. Have you talked with Mr. Mackey to-day?—A. No, sir; I have had no chance to talk to him.

Q. Didn't he give you something to eat, though?—A. Yes, sir.

Q. Wouldn't you testify to anything for Mr. Mackey?—A. I will testify to anything that is the truth.

Q. You have been asked if you had voted the Democratic ticket would you be afraid to admit it?—A. Yes, sir.

Q. And you have said you would not be afraid?—A. Yes, sir.

Q. If you should admit that you were afraid to say that you had voted the Democratic ticket if you had done so, would you not be admitting yourself to be a coward?—A. Yes, sir.

Q. And of course, like all other men, you won't admit that you are a coward?—A. I won't admit myself to be a coward, because I know I didn't vote the Democratic ticket.

Q. Would you admit that you might tell a lie?—A. I never tell a lie. I have no occasion to tell any.

Q. You don't tell a lie because you have got no occasion to tell one?—A. No, sir.

Q. If you had occasion to lie, would you do it?—A. No, sir; I would not tell any lie.

Q. As you say you didn't vote the Democratic ticket, you have never been tried whether or not you would admit it?—A. No, sir.

In reply, by E. W. M. MACKEY, contestant:

Q. What was it that Mr. Mackey gave you to eat?—A. A cake and apple that he bought from an old woman out there for one cent apiece.

Deposition of Kent Robinson.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

KENT ROBINSON, a witness of legal age produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 44.

Q. Where do you live?—A. Horlbeck's sea-shore place, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. Mr. Mackey's—the Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey's.

Q. Did you vote more than one ticket?—A. Only one.

Q. Were there any Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit it?—A. No, sir; no reason.

Q. Have you been promised anything to come her to day to testify?—A. No, sir; nothing at all.

Q. Do you expect anything?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness, upon the grounds stated in the objection to be evidence of Benj. Heyward the first witness examined this day.)

Cross-examination by H. E. RAVENEL:

Q. Are you a colored man?—A. Yes, sir.

Q. All that you know about your ticket is what somebody told you?—A. Yes, sir.

Q. You were in here this morning about the time I commenced examining?—A. Yes, sir; I was here.

Q. You have been here all day?—A. Yes, sir.

Q. You have heard some of those men examined; did you not hear five or six examined?—A. Yes, sir; some of them.

Q. You heard Mr. Mackey and myself talking, did you not?—A. Yes, sir.

Q. Talking about the examination?—A. Yes, sir.

Q. So you know very well what Mr. Mackey wants you to testify, don't you?—A. No, sir.

Q. You heard some of the evidence this morning?—A. Yes, sir.

Q. And you heard Mr. Mackey and myself talking?—A. Yes, sir.

Q. You have been outside of the church, among those men, all day, have you not?—A. Yes, sir; I was outside.

Q. Talking along with a number of men, and they have been talking among themselves?—A. Yes, sir; talking.

Q. What brought you here to testify to-day?—A. Nothing brought me except a desire to come.

Q. You think that it was to your advantage to come?—A. Yes, sir.

Q. You have told Mr. Mackey that if you had voted the Democratic ticket you would not be afraid to admit it?—A. No, sir.

Q. You would not say openly that you would be afraid of any man?—A. No, sir; I am not afraid of anything.

Q. It would be cowardly for you to admit you were afraid?—A. Yes, sir.

Q. Of course you don't admit yourself to be a coward?—A. No, sir.

Q. Don't you know that a witness ought to be paid, and ought to get his mileage?—A. Well, I don't know; I never got any.

Q. Have you not heard that witnesses were entitled to it, in court and elsewhere?—A. I have heard that they get it in court; but I never was a witness in any matter but this.

In reply, by E. W. M. MACKEY, contestant:

Q. When you came here did you expect to get any pay, either now or hereafter?—A. No, sir.

Q. Did you know that you were entitled to any pay?—A. No, sir.

Q. Do you intend to make any demand for pay and mileage?—A. No, sir.

Q. When you say you think it is to your advantage to come here and testify, explain in what way it would benefit you.—A. I think it would benefit me in my rights.

Q. Do you mean it would be any pecuniary advantage to you; that is, in the way of money?—A. No, sir; no money at all.

Q. The advantage, then, you mean would be simply in asserting your rights?—A. Yes, sir.

Deposition of Elias Wilson.

1 the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ELIAS WILSON, a witness of legal age produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Question. How old are you ?—Answer. 24.

Q. Where do you live ?—A. In Christ Church Parish, on Mr. Mitchell's lace.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. What ticket did you vote ?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress ?—A. I didn't see my name, but they read me Mr. Mackey's name.

Q. Who read you Mr. Mackey's name on your ticket ?—A. Anthony ummersill.

Q. Did you get your ticket from him ?—A. Yes, sir.

Q. Did you have any other ticket in your hand that day ?—A. No, sir.

Q. Had you voted the Democratic ticket would you be afraid to admit now ?—A. No, sir.

Q. Is there any reason why you should be afraid ?—A. No, sir.

Q. Have you been promised anything for coming here to-day to testify ?—A. No, sir.

Q. Do you expect to receive anything ?—A. No, sir.

Q. Did you vote more than one ticket ?—A. No, sir.

Q. Were there any small Democratic tissue tickets folded within the cket you voted ?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of his witness upon the grounds stated in the objection to the evidence of Benj. Heyward.)

Cross examination by H. E. RAVENEL, counsel for contestee :

Q. Are you a white or colored man ?—A. A colored man.

Q. How long have you been here to-day ?—A. I came here at twelve o'clock.

Q. So you have been here over six hours ?—A. Yes, sir.

Q. You have been talking to a number of witnesses outside there ?—A. No, sir; I have had no talk with them.

Q. Has there not been a number of witnesses outside there all day ?—A. Yes, sir.

Q. And you have been here six hours, and yet have not talked to any f them ?—A. No, sir.

Q. Don't you know very well that you came here to testify for Mr. Mackey to-day ?—A. Yes, sir; I know that.

Q. Would you not do anything for Mr. Mackey ?—A. Yes, sir; I could.

Q. Testify to anything he told you ?—A. Yes, sir.

Q. Whatever Mr. Mackey tells you is right ?—A. I suppose it is right.

Q. You suppose whatever he tells you is all right ?—A. Yes, sir.

Q. You have not talk' with anybody to-day ?—A. No, sir; I have had o talk with anybody.

Q. You have told Mr. Mackey if you had voted the Democratic ticket ou wouldn't be afraid to admit it ?—A. No, sir; I wouldn't.

Q. Don't you consider that if a man does anything and afterwards denies it through fear, that that man is a coward?—A. Yes, sir; I would think so.

Q. Of course you wouldn't admit that you were a coward?—A. No, sir; I wouldn't do it.

Q. You wouldn't admit that you will tell a lie?—A. No, sir.

Q. If a man asked you if you would lie, wouldn't you tell him you would not lie?—A. Yes, sir; I would tell him that.

Q. So you are not going to confess you are a liar?—A. No, sir; I won't.

Q. Do you know whether or not any of the colored people voted the Democratic ticket?—A. No, sir; I couldn't tell you.

Q. Can you read?—A. No, sir.

Q. So all you know about your ticket is what you heard from others?—A. That is all.

In reply, by E. W. M. Mackey, contestant:

Q. You say you would testify to anything Mr. Mackey told you; now if Mr. Mackey asked you to tell a lie would you do so?—A. No, sir; because I don't think he would tell me anything unless it was the truth.

Q. Did he tell you at any time what you were to testify in this matter?—A. No, sir.

Q. Did anybody else tell you what you should testify to?—A. No, sir.

Q. If you were afraid of any man or anything, do you think it would be any harm to say so?—A. No, sir; it wouldn't be any harm to say so.

Q. Which do you think is the worse, for a man to admit he is a coward or to tell a lie about it?—A. I would rather tell a lie.

Deposition of Mingo Green.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

MINGO GREEN, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 60.

Q. Where do you live?—A. In Christ Church Parish, on my own land, eight miles from Mt. Pleasant.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey's.

Q. Did you vote more than one ticket?—A. One single ticket.

Q. Were there any Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. From whom did you get the ticket you voted?—A. From Joe Seabrook.

Q. Had you voted the Democratic ticket, would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid?—A. No, sir.

Q. Did Seabrook read your ticket to you?—A. Yes, sir.

Q. Did he read you Mr. Mackey's name on the ticket?—A. Yes, sir.

Q. Are you sure you voted the same ticket Seabrook gave you?—A. Yes, sir; and no other.

Q. Have you been promised any money to come here to-day and testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of his witness, upon the grounds stated in the objection to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or colored man?—A. I am a colored man.

Q. Have you been around here all day?—A. No, sir; I never got here until eleven o'clock.

Q. It is considerably after dark now; you have been here seven hours or so, have you not?—A. Yes, sir.

Q. You have been with quite a number of witnesses out there all day, have you not?—A. Yes, sir.

Q. You have been mingling with them?—A. No, sir; I came here feeling unwell and laid down the best part of the day, but by meeting with some old friends I had not seen for a long time we talked a little.

Q. So you know very well that you came here to-day to testify for Mr. Mackey?—A. Yes, sir.

Q. How far have you come?—A. About four miles.

Q. And you feel unwell and waited here seven hours?—Yes, sir.

Q. You have told Mr. Mackey that if you had voted the Democratic ticket you wouldn't be afraid to admit it?—A. No, sir.

Q. Would it not be cowardly if you were afraid to admit it?—A. Yes, sir; that would be cowardice.

Q. Of course you don't admit that you are a coward?—No, sir.

Q. Would you admit that you would tell a lie?—No, sir.

Q. As you did not vote the Democratic ticket, you have never been tried whether or not you would be afraid?—A. No, sir.

Deposition of Poladore Simmons.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

POLADORE SIMMONS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 80.

Q. Where do you live?—A. Philip's Hill, Christ Church Parish, Charleston County.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey's.

Q. If you had voted the Democratic ticket, would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit it, if you had voted it?—A. No, sir.

Q. Did you vote more than one ticket?—A. No, sir; one ticket only.

Q. Were there any Democratic tissue tickets folded within the ticket you voted ?—A. No, sir.

Q. Have you been promised any money to testify to-day ?—A. No, sir.

Q. Do you expect to receive any ?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness upon the grounds stated in the objection to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee :

Q. Are you a white or black man ?—A. I am a colored man.

Q. How long have you been here to-day ?—A. I have been here since sunrise.

Q. About the time we came here ?—A. After sunrise when I got here.

Q. Now it is after dark, so that you have been around here all day !—

A. Yes, sir ; I have been here all day.

Q. You have been outside amongst a number of men ?—Yes, sir ; I was sitting on the bench.

Q. Have you not been talking to a large number of colored men ?—

A. I didn't have much talk at all.

Q. Do you know what you came here for to-day ?—A. Yes, sir.

Q. You came here to testify for Mr. Mackey ?—A. Yes, sir.

Q. You would testify to anything Mr. Mackey wanted you to ?—A. Yes, sir.

Q. You think it is to your advantage to come here to-day ?—A. Yes, sir.

Q. Didn't Mr. Mackey give you something to eat ?—A. Oh, yes, sir ; he gave me a cake and an apple. We had to wait so long we were hungry.

Q. So you will do anything he wants you to do ?—A. Yes, sir ; so long as it is Mr. Mackey it is all right for me.

Q. You will say anything he tells you ?—A. Yes, sir, anything, because I know he will tell me nothing but the truth.

Q. You have told Mr. Mackey if you had voted the Democratic ticket you wouldn't be afraid to admit it ?—A. No, sir ; I wouldn't be afraid to admit it.

Q. Would it not be cowardice in you to be afraid to admit anything you had done ?—A. No, sir ; I won't be a coward.

Q. If you were afraid to admit what you had done, would not that be cowardly ?—A. Yes, sir ; that would be cowardly.

Q. You won't say you are a coward ; you don't call yourself a coward ?—A. No, sir ; I don't call myself a coward.

Q. Would you tell a lie ?—A. No, sir ; I wouldn't tell a lie.

Q. And if you did tell a lie, you wouldn't say you had told a lie ?—A. No, sir.

In reply by E. W. M. MACKEY, contestant :

Q. Would you tell a lie ?—A. No, sir ; I am too old to tell a lie.

Q. When you say you would testify to anything Mr. Mackey wanted you to, would you testify to a lie if he asked you ?—A. No, sir ; I wouldn't.

Q. Do you think you ought to tell the truth, never mind what may happen to you ?—A. Yes, sir ; I would.

Q. When you say you knew what you came here to testify, do you mean that anybody told you what you were to swear to ?—A. No, sir.

Q. Before you testified, did you have any talk with anybody at any time as to what you were to say ?—A. No, sir.

Deposition of David Deas.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

DAVID DEAS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Q. Question. How old are you?—A. Answer. 70.

Q. Where do you live?—A. Matthewes' Ferry, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. From whom did you get the ticket you voted?—A. From Anthony Summersill.

Q. How long have you known Anthony Summersill?—A. About two years, I think.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir; the Republican ticket.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir; if I had voted it I wouldn't be afraid to say so.

Q. Is there any reason why you should be afraid?—A. No, sir.

Q. Did you vote more than one ticket?—A. Only the one ticket.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. Have you been promised anything for coming here to testify?—A. No, sir.

Q. Do you expect to receive any pay?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of his witness upon the grounds stated in the objection to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or black man?—A. I am a black man.

Q. Can you read?—A. No, sir; I cannot.

Q. So that all you know about your ticket is what was told you?—A. Yes, sir; I know the ticket was a Republican ticket.

Q. You only know because some one told you?—A. No, sir; they gave me the ticket as a Republican ticket.

Q. You know that yourself though you cannot read?—A. Yes, sir; I know it myself though I cannot read.

Q. How long have you been here to-day?—A. Since about eight o'clock.

Q. Were you here when we began the examination of the witnesses?—A. I was out there but I never heard anything, because I was half asleep and tired out.

Q. But you were outside all day?—A. Yes, sir; I was out there.

Q. And now it is after dark?—A. Yes, sir.

Q. Were you not talking with the men outside there?—A. No, sir; I don't talk much any way.

Q. You have been hearing others talk outside there to-day?—A. Yes, sir; but I didn't hear much because I was half asleep.

Q. You know very well what you came here for?—A. I came here according to the summons which said I must come.

Q. You knew Mr. Mackey wanted you here to-day?—A. The summons said Mr. Mackey would be here to-day.

Q. You came because you knew Mr. Mackey wanted you?—A. Yes, sir; I came to see what it was.

Q. Did not all of you know that Mr. Mackey wanted you to testify that you voted for him?—A. Yes, sir.

Q. Well, now you say if you had voted the Democratic ticket you wouldn't be afraid to admit it?—A. No, sir; I wouldn't be afraid if I voted it, but I know I didn't vote it.

Q. Would you not be a coward if you had voted it and then were afraid to say so?—A. Yes, sir; that would be cowardly.

Q. Of course you don't admit that you are a coward?—A. No, sir.

Q. Do you know who is President of the United States?—A. No, sir; I don't know.

Q. Did you ever hear of Christopher Columbus?—A. No, sir.

Q. Do you know who Rutherford B. Hayes is?—A. No, sir.

Q. Is Mr. Mackey one of the Presidents of the United States?—A. I don't know about that.

In reply by E. W. M. MACKEY, contestant:

Q. If you had voted the Democratic ticket would you tell a lie about it now?—A. No, sir.

Q. When you say you wouldn't admit that you are a coward, do you mean to say that you would rather tell a lie than admit that you are a coward?—A. No, sir.

Deposition of Wm. Cohen.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

WILLIAM COHEN, a witness of legal age produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 48.

Q. Where do you live?—A. On my own place in Christ Church Parish, 8 miles from Mt. Pleasant.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey's.

Q. From whom did you get the ticket you voted?—A. From Joe Seabrook.

Q. Did he read you Mr. Mackey's name on the ticket he gave you?—A. Yes, sir; I asked him to do it.

Q. Did you vote the same ticket Seabrook gave you?—A. The same ticket.

Q. Did you vote any more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit that fact if it were so?—A. No, sir; I wouldn't be afraid to say so.

Q. Have you been promised any pay to testify in this case?—A. No, sir.

Q. Do you expect to receive any pay for testifying?—A. No, sir.

(Counsel for contestee objects to the introduction of the evidence of this witness upon the grounds stated in the objection to the evidence of Benj. Heyward.)

Cross-examination by H. E. RAVENEL, counsel for contestee:

Q. Are you a white or black man?—A. I am a colored man.

Q. How long have you been here to-day?—A. I came here about eleven o'clock.

Q. As it is now after dark you have been here seven or eight hours?—A. Yes, sir; about that.

Q. Has there been a good many other witnesses out there all day?—A. I don't know; there was a plenty of men out there, but I don't know whether they were witnesses or not.

Q. Are they not black men?—A. They are colored men.

Q. Don't you know very well what you came here to-day for?—A. Yes, sir.

Q. Didn't you know Mr. Mackey wanted you to come here and testify for him?—A. Yes, sir.

Q. So you came to do it?—A. Yes, sir; I came to testify for Mr. Mackey, it is true.

Q. You would do almost anything for Mr. Mackey?—A. I wouldn't say everything. I would do almost anything except telling a lie.

Q. You were in here just now when we laughed at Wilson for saying he would rather tell a lie than admit that he was a coward?—A. Yes, sir.

Q. You heard the laugh on him?—A. Yes, sir.

Q. Have you talked to any of the men outside to-day?—A. No, sir.

Q. You have been here all day and have not talked to any of them?—A. I have talked to my friends about my business.

Q. Didn't Mr. Mackey give you something to eat?—A. Yes, sir; he gave me a cake to eat after you and he came from dinner.

Q. You have told Mr. Mackey if you had voted the Democratic ticket you wouldn't be afraid to admit it?—A. Yes, sir.

Q. Would you confess that you were afraid to vote a ticket or that you were afraid of any man about voting?—A. No, sir.

Q. Of course you wouldn't admit that you are a coward?—A. No, sir.

Q. Would you admit that you would tell a lie?—A. No, sir.

In reply by E. W. M. MACKEY, contestant:

Q. If you were a coward, would you not admit it?—A. Yes, sir.

Q. If you had to choose between telling a lie and saying you were a coward, which would you do?—A. I would say I was a coward.

Certificate of Notary.



STATE OF SOUTH CAROLINA,
Charleston County:

I, E. H. Hogarth, a notary public in and for the State of South Carolina, do hereby certify that the foregoing depositions of Benj. Heyward, Friday Ward, Robt. Anderson, Jno. Geddis, Chance Fludd, Isaiah Jones, Jno. Ancrum, Dan'l Springer, Louis McBride, Isaac Gethers, Peter McBride, Primus Glover, Flander Kinloch, Harry Graddoch, Dawson Comer, Thos. McCall, Thos. Seabrook, Jno. Washington, Adam

Nicholas, Miles Wright, Isaac Collinton, Lewis Goodwin, Moses Gailiard, Walter Hagan, Cain Goodwin, Richard Yeadon, Adam Drayton, Cæsar Rivers, Jos. Seabrook, Mitchell Wilson, Thos. Tunno, Kent Robinson, Elias Wilson, Mingo Green, Poladore Siminous, David Deas, and Wm. Cohen were taken by me pursuant to notice of contestant, and in accordance with the provisions of law, at the Four Mile Church, Christ Church Parish, county and State aforesaid, this fourth day of December, A. D. 1879, the contestant being present in person, and the contestee being represented by his attorney, H. E. Ravenel, esq.

Given under my hand and official seal this 4th day of December, A. D. 1879.

[SEAL.]

E. H. HOGARTH,
Notary Public, State of So. Ca.

Deposition of Cæsar Robertson.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

CÆSAR ROBERTSON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. How old are you ?—A. Answer. 25.

Q. Where do you live ?—A. In Christ Church Parish, on Mr. Geo. White's place.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now ?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so ?—A. No, sir.

Q. What ticket did you vote ?—A. The Republican ticket.

Q. From whom did you get the ticket you voted ?—A. Anthony Summersill.

Q. Whose name was on your ticket for Congress ?—A. Mr. Mackey's.

Q. How do you know that ?—Because Summersill read it to me, and young Thomas Goodwater also.

Q. Are you sure you voted the same ticket Summersill and Goodwater read to you ?—A. Yes, sir.

Q. Did you vote more than one ticket ?—A. No, sir.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted ?—A. No, sir.

Q. Have you been promised anything if you would come here to-day and testify ?—A. No, sir.

Q. Do you expect any pay and mileage for testifying in this matter ?—A. No, sir.

Deposition of Samuel Porcher.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County :

SAMUEL PORCHER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you ?—Answer. 65.

Q. Where do you live ?—A. Remley's Point, Christ Church Parish.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now ?—A. No, sir.

Q. Is there any reason why you should be afraid to say you have voted the Democratic ticket, if you had done so ?—A. No, sir.

Q. What ticket did you vote ?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress ?—A. Mr. Mackey's.

Q. How do you know that ?—A. Summersill read it to me.

Q. From whom did you get the ticket you voted ?—A. From Anthony Summersill.

Q. Are you sure you voted the same ticket he read to you ?—A. Yes, sir.

Q. Did you vote more than one ticket ?—A. No, sir.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted ?—A. No, sir.

Q. Have you been induced to come here to-day to testify by the promise of any money ?—A. No, sir; none was offered me.

Q. Do you expect to receive any pay for testifying in this cause ?—A. No, sir.

Deposition of James Alston.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County :

JAMES ALSTON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you ?—Answer. 26.

Q. Where do you live ?—A. In Christ Church Parish, on Mr. Sander's place.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir; I voted the Republican ticket.

Q. If you had voted the Democratic ticket would you be afraid to admit it now ?—A. No, sir; I would not be afraid.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so ?—A. No, sir; no reason.

Q. I understood you to say you voted the Republican ticket. Do you know whose name was on the ticket you voted for Congress ?—A. E. W. M. Mackey's.

- Q. How do you know that?—A. Because I read it myself.
 Q. Examine this ticket (handing witness Republican ticket marked Exhibit R) and see if that is the ticket you voted?—A. Yes, sir.
 Q. Did you vote more than one ticket?—A. No, sir.
 Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.
 Q. Have you been induced to come here to-day to testify by the promise of pay or anything else?—A. No, sir.
 Q. Do you expect to receive any pay for testifying in this cause?—A. No, sir.

Deposition of Bunkey Davis.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

BUNKEY DAVIS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

- Question. How old are you?—Answer. 35.
 Q. Where do you live?—A. In Christ Church Parish, on Mr. Leesne's place.
 Q. Where did you vote at the last general election?—A. Mt. Pleasant.
 Q. Did you vote the Democratic ticket?—A. No, sir.
 Q. If you had voted it would you be afraid to admit it now?—A. No, sir; not by any means.
 Q. Is there any reason why you should be afraid to admit it, if you had voted it?—A. No, sir; if I voted it I wouldn't be afraid to admit it.
 Q. What ticket did you vote?—A. The Republican ticket.
 Q. Whose name was on the ticket you voted for Congress?—A. Mr. Mackey's.
 Q. Did you vote more than one ticket?—A. No, sir.
 Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. Not one.
 Q. To what church do you belong?—A. Salem Baptist Church, on Woodland.
 Q. Have you ever heard politics preached in that church?—A. No, sir.
 Q. Have you ever known of a colored man being turned out of that or any other church for voting the Democratic ticket?—A. No, sir; I never heard of any being turned out.
 Q. Is it true that a colored man cannot vote the Democratic ticket in this parish without being ostracised, insulted, mobbed, and turned out of the church for so doing?—A. No, sir; I never heard of any being treated in that way.
 Q. Have you been promised any money to come here to-day & testify?—A. No, sir.
 Q. Do you expect any?—A. No, sir.

Deposition of Paul Swinton.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

PAUL SWINTON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. How old are you?—A. Answer. 23.

Q. Where do you live?—A. In Christ Church Parish, on Mr. Jersey's place; nine miles from Mt. Pleasant.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir; I never have voted the Democratic ticket yet.

Q. If you had voted it would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No reason whatever.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Can you read?—A. Yes, sir, a little.

Q. Examine this ticket (handing witness Republican ticket marked Exhibit) and see if that is the ticket you voted?—A. Yes, sir, it is.

Q. Did you vote more than one ticket?—A. One ticket only.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. None.

Q. Have you been induced to come here to-day to testify by the promise of any money?—A. No, sir.

Q. Do you expect any pay for testifying in this cause?—A. No, sir.

Q. Is it true that a colored man cannot vote the Democratic ticket in this parish without being ostracised, insulted, mobbed, and beaten by the other colored people for so doing?—A. No, sir.

Deposition of Hercules Geddis.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,

Charleston County:

HERCULES GEDDIS, a witness of legal age, produced by contestant upon due notice of contestee, deposes as follows in reference to questions propounded by contestant:

Q. Question. How old are you?—A. Answer. 38.

Q. Where do you live?—A. On my own place in Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now?—A. No.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No.

Q. Did you promise anybody previous to the election that you would vote the Democratic ticket?—A. No.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on it for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir; I voted one ticket only.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. Have you been induced to come here to-day to testify by the promise of pay or anything else?—A. No, sir.

Q. Do you expect to receive any pay for testifying in this cause?—A. No, sir.

Deposition of Rob't Lorely.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ROBERT LOVELY, a witness of legal age, produced by the contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 27.

Q. Where do you live?—A. Remley's Point, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir; I voted the Republican ticket.

Q. If you had voted the Democratic ticket is there any reason why you should be afraid to admit it now?—A. No, sir; but I always voted the Republican ticket. I never did vote the Democratic ticket.

Q. Whose name was on the ticket you voted for Congress?—A. Mr. Mackey's.

Q. How do you know Mr. Mackey's name was on your ticket for Congress?—A. I read it myself.

Q. Examine this ticket (handing witness Republican ticket, mark Exhibit R), and see if that is the ticket you voted?—A. Yes, sir.

Q. Did you vote more than one ticket?—A. One straight ticket only.

Q. Were there any small Democratic tissue tickets inclosed within the ticket you voted?—A. No, sir; no small tickets were in mine.

Q. Have you been promised any money to come here to-day to testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

Q. Do you belong to any church in this parish?—A. Yes, sir, to Olive Branch.

Q. Have you ever heard of any colored man being turned out of that church for voting the Democratic ticket?—A. No, sir, I never heard of any.

Q. Have you ever heard politics preached in that or any other church?—A. No, sir.

Q. Is it true that a colored man cannot vote the Democratic ticket in this parish without being insulted, mobbed, and beaten by the other colored men for so doing?—A. No, sir. I never heard anything of that kind.

Deposition of Robert Taylor.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ROBERT TAYLOR, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 52.

Q. Where do you live?—A. Woodland, Christ Church parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had is there any reason why you should be afraid to admit it now?—A. No, sir. I would not be afraid to admit it.

Q. Is it true that no colored man in this parish can vote the Democratic ticket without the fear of being mobbed, insulted, and turned out of the church for doing so?—A. No, sir.

Q. To what church do you belong?—A. Salem Baptist Church.

Q. Have you ever heard politics preached in that or any other colored church?—A. No, sir.

Q. Has any colored man ever been turned out of a colored church in this parish for voting a Democratic ticket?—A. No, sir. I never knew that to be done.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. From Anthony Summersill.

Q. Did you vote more than one ticket?—A. Only one ticket.

Q. Were there any small Democratic tissue tickets, like these, inclosed within your ticket?—A. No, sir.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

Q. Did he read any of the names on the ticket to you?—A. Yes, sir.

Deposition of Adam Lining.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

ADAM LINING, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 38.

Q. Where do you live?—A. Boone Hall, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it, is there any reason why you should be afraid to admit it now?—A. No, sir; there is not.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. Anthony Summersill.

Q. Did he read it for you?—A. Yes, sir; he read Mr. Mackey's name on it.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

Q. Did you vote more than one ticket?—A. No, sir; I voted only one ticket.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. To what church do you belong?—A. Olive Branch.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being mobbed, beaten, insulted, and turned out of the church for so doing?—A. No, sir; they never make any objections to them being in the church.

Q. Have you been promised or do you expect to receive any money for testifying in this matter?—A. No, sir.

Deposition of Jacob Swinton.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

JACOB SWINTON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 38.

Q. Where do you live?—A. On my own place near the Six Mile Church in Christ Church parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it, is there any reason why you should be afraid to admit it now?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. Joe Seabrook. He told me Mr. Mackey's name was on it.

Q. Did he tell you any of the other names on the ticket?—A. Yes, sir; Frank Ladson and some more, but he didn't read them all out.

Q. Are you sure you voted the same ticket Seabrook gave you?—A. Yes, sir; I am sure. After he gave it to me I showed it to Anthony Summersill and he said it was the Republican ticket.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. To what church do you belong?—A. Olive Branch.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being insulted, mobbed, beaten, and turned out of the church for so doing?—A. I never saw any turned out yet.

Deposition of Primus Gaillard.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

PRIMUS GAILLARD, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 35.

- Q. Where do you live?—A. Woodland, Christ Church Parish.
 Q. Where did you vote at the last general election?—A. Mt. Pleasant.
 Q. Did you vote the Democratic ticket?—A. No, sir.
 Q. If you had voted it would you be afraid to admit it now?—A. No, sir; but I never did vote it.
 Q. Is there any reason why you should be afraid to admit that you had voted it, if you had?—A. No, sir; no reason at all.
 Q. What ticket did you vote?—A. The Republican ticket.
 Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.
 Q. Did you vote more than one ticket?—A. No, sir.
 Q. Were there any small Democratic tissue-tickets inclosed within the ticket you voted?—A. No, sir.
 Q. Have you been promised any money to come here to-day to testify?—A. No, sir.
 Q. Do you expect any?—A. No, sir.

Deposition of Duke Goodwin.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

DUKE GOODWIN, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

- Question. How old are you?—Answer. 50.
 Q. Where do you live?—A. In Christ Church Parish, on Mr. Lesesne's place.
 Q. Where did you vote at the last general election?—A. Mt. Pleasant.
 Q. Did you vote the Democratic ticket?—A. No, sir.
 Q. If you had voted the Democratic ticket, would you be afraid to admit it now?—A. No, sir.
 Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket, if you had done so?—A. No, sir.
 Q. Did you promise any one before the election that you would vote the Democratic ticket?—A. No, sir.
 Q. What ticket did you vote?—A. The Republican ticket.
 Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.
 Q. Did you vote more than one ticket?—A. No, sir.
 Q. Were there any small Democratic tissue tickets inclosed within the ticket you voted?—A. No, sir.
 Q. Have you been promised any money to come here to-day and testify?—A. No, sir.
 Q. Do you expect any pay?—A. No, sir.

Deposition of Geo. Frederick.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

GEORGE FREDERICK, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

- Question. How old are you?—Answer. 35.
 Q. Where do you live?—A. Laurel Hill, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir; I voted the Republican ticket.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir; I wouldn't.

Q. Is there any reason why you should be afraid to admit voting the Democratic ticket if you had done so?—A. No, sir; there is nothing to prevent me from admitting it if I had voted it, because I am a free man and can vote as I choose.

Q. You say you voted the Republican ticket. From whom did you get your ticket?—A. Joe Seabrook.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. How do you know that?—A. Seabrook read it to me.

Q. Are you sure you voted the same ticket he read to you?—A. I voted that ticket, and no other.

Q. Did you vote more than one ticket?—A. One ticket only.

Q. Were there any small Democratic tissue tickets inclosed within the ticket you voted?—A. No, sir.

Q. Have you been induced to come here to-day to testify by the promise of any money or anything else?—A. No, sir.

Q. Do you expect to receive any pay for testifying in this matter?—A. No, sir; I don't expect to receive any.

Q. Is it true that a colored man in this parish cannot vote the Democratic ticket without being ostracised and abused by the other colored men for so doing?—A. No, sir.

Deposition of Friday Bennett.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

FRIDAY BENNETT, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 33.

Q. Where do you live?—A. In Christ Church Parish, on Mr. William Venning's plantation.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir.

Q. Did you promise any one previous to the last election to vote the Democratic ticket?—A. No.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. From whom did you get the ticket you voted?—A. From Summersill.

Q. Did Summersill tell you Mr. Mackey's name was on your ticket?—A. Yes, sir; he read it for me.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

Q. Did you vote more than one ticket?—A. No more than one ticket.

Q. Were there any small Democratic tissue tickets inclosed within the ticket you voted?—A. None.

Q. Is it true that no colored man in this parish can vote the Democratic ticket without being ostracised, insulted, mobbed, and turned out of the church for so doing?—A. I never heard.

Q. Have you been promised any money to come here to-day to testify?—A. No, sir.

Q. Do you expect any pay for testifying in this matter?—A. No, sir.

Deposition of Israel Ancrum.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ISRAEL ANCUM, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 29.

Q. Where do you live?—A. In Christ Church Parish, on George White's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic if you had done so?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. I couldn't read it myself, but I got young Thomas Goodwater to read it for me, and he read me Mr. Mackey's name on it.

Q. From whom did you get your ticket?—A. Anthony Summerville.

Q. Did he tell you it was the Republican ticket?—A. Yes, sir.

Q. Are you sure you voted the same ticket Summerville gave you and Goodwater read to you?—A. Yes, sir. I had no other.

Q. Did you vote more than one ticket?—A. Only one.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. To what church do you belong?—A. Zion Hill African Methodist Church.

Q. Who preaches at that church?—A. Mr. Henry Taylor.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Is there any understanding among the members of that church that no member of the church shall be allowed to vote the Democratic ticket?—A. No, sir.

Q. Is there any understanding in that church that if any member votes the Democratic ticket he shall be turned out of the church?—A. No, sir.

Q. How long have you been attending that church?—A. Three years.

Q. Have you been promised anything if you would come here to-day and testify?—A. No, sir.

Q. Do you expect any pay for your testimony in this matter?—A. No, sir.

Deposition of Dandy Williams.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

DANDY WILLIAMS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Question. How old are you ?—Answer. 35.

Q. Where do you live ?—A. Remley's Point, Christ Church Parish.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now ?—A. No, sir; I would not.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so ?—A. No reason.

Q. What ticket did you vote ?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress ?—A. Mr. Mackey's.

Q. How do you know that ?—A. Summersill read it to me.

Q. From whom did you get the ticket you voted ?—A. From Anthony Summersill.

Q. How long have you known him ?—A. I have known him for the last twelve or thirteen years.

Q. Are you sure you voted the same ticket Summersill read to you ?—A. Yes, sir.

Q. Did you vote more than one ticket ?—A. But one ticket.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted ?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being ostracized, insulted, beaten, and turned out of the church for so doing ?—A. No, sir.

Q. Have you ever known a colored man to be turned out of any church for voting the Democratic ticket ?—A. No, sir; not as long as I have been going to church.

Q. Have you been induced to come here to-day to testify by the promise of any money or anything else ?—A. No, sir.

Q. Do you expect any pay for testifying in this cause ?—A. No, sir.

Deposition of John Porcher.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

JOHN PORCHER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Question. How old are you ?—Answer. 28.

Q. Where do you live ?—A. In Christ Church Parish, on Mr. Edward Moss' place.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had voted it, would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit it?—A. No, sir; none at all.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. How do you know Mr. Mackey's name was on your ticket for Congress?—A. Because I got my ticket from Summersill, and he read Mr. Mackey's name on it to me.

Q. Are you sure you voted the same ticket Summersill gave you?—

Q. How long have you known Summersill?—A. For four years.

Q. Have you been promised any money to come here to-day to testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

Deposition of Benj. Polite.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

BENJAMIN POLITE, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 25.

Q. Where do you live?—A. Boone Hall, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it, is there any reason why you should be afraid to admit it now?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. Anthony Summersill.

Q. Did he read your ticket for you?—A. Yes, sir.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

Q. Did you vote more than one ticket?—A. No, sir; only one.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. To what church do you belong?—A. Olive Branch.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being insulted, mobbed, beaten, and turned out of the church for so doing?—A. No, sir; I never heard of any one being so treated.

Q. Have you been promised or do you expect to receive any money or pay for testifying in this matter?—A. No, sir.

Deposition of Limus Davis.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

LIMUS DAVIS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. How old are you ?—A. Answer. 35.

Q. Where do you live ?—A. In Christ Church Parish, on Mr. Vening's place.

Q. Wheredid you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had voted it, would you be afraid to admit it now ?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so ?—A. None.

Q. Did you prounise any one previous to the election that you would vote the Democratic ticket ?—A. No, sir.

Q. What ticket did you vote ?—A. The Mackey ticket—the Republican ticket.

Q. Whose name was on your ticket for Congress ?—A. Mr. Mackey's.

Q. Did you vote more than one ticket ?—A. One ticket only.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted ?—A. No, sir.

Q. Have you been promised any money if you would come here today and testify in this matter ?—A. No, sir.

Q. Do you expect any pay ?—A. No, sir.

Deposition of Samuel Simmons.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

SAMUEL SIMMONS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. How old are you ?—A. Answer. 55.

Q. Where do you live ?—A. Christ Church Parish, near Mount Pleasant.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had is there any reason why you should be afraid to admit it now ?—A. No, sir; I would not be afraid to admit it.

Q. Is it true that no colored man in this parish can vote the Democratic ticket without the fear of being mobbed, insulted, and turned out of the church for doing so ?—A. No, sir.

Q. To what church do you belong ?—A. Olive Branch, A. M. E. Church.

Q. Have you ever heard politics preached in that or any other colored church ?—A. No, sir.

Q. Has any colored man ever been turned out of a colored church in his parish for voting a Democratic ticket?—A. No, sir; I knew that to be done.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. From Anthony Summersill.

Q. Did you vote more than one ticket?—A. Only one ticket.

Q. Were there any small Democratic tissue tickets like these enclosed within your ticket?—A. No, sir.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

Q. Did he read any of the names on the ticket to you?—A. Yes, sir.

Deposition of William Gailliard.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

WILLIAM GAILLARD, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 50.

Q. Where do you live?—A. In Christ Church Parish, on Mr. Hall's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now?—A. No, sir; if I had voted it I wouldn't be afraid to admit it, but I did not vote; I voted the Republican ticket.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir.

Q. You say you voted the Republican ticket. From whom did you get the ticket you voted?—A. Anthony Summersill.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. How do you know that?—A. Because Summersill when he gave it to me read it for me.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket in his parish without being ostracized, insulted, mobbed, beaten, and turned out of the church for so doing?—A. I never heard of such things being done.

Q. Have you been induced to come here to-day to testify by the promise of any money?—A. No, sir.

Q. Do you expect to receive any pay for testifying in this cause?—A. No, sir.

Deposition of Jacob Wilson.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

JACOB WILSON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you ?—Answer. 34.

Q. Where do you live ?—A. I live now in St. James Santee, but at the time of the last election I was living in Christ Church Parish, on Mr. McCant's place.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now ?—A. No, sir.

Q. Is there any reason why you should be afraid to admit it if you had voted it ?—A. No, sir.

Q. What ticket did you vote ?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress ?—A. Mr. Mackey's.

Q. From whom did you get the ticket you voted ?—A. From Joe Seabrook.

Q. Did Seabrook read your ticket for you ?—A. Yes, sir.

Q. Are you sure you voted the same ticket he read to you ?—A. Yes, sir.

Q. Did you vote more than one ticket ?—A. No, sir; only one.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted ?—A. No, sir; none.

Deposition of Jack Matthews.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

JACK MATTHEWES, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you ?—Answer. 23.

Q. Where do you live ?—A. Woodland, Christ Church Parish.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now ?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so ?—A. No, sir; none whatever.

Q. What ticket did you vote ?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress ?—A. Mr. Mackey's.

Q. How do you know that Mr. Mackey's name was on your ticket ?—A. Anthony Summersill read me Mr. Mackey's name on the ticket.

Q. Did you vote the ticket on which Summersill read Mr. Mackey's name to you ?—A. Yes, sir.

Q. Did you vote more than one ticket ?—A. Only one.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. Have you been promised any money to come here to-day and testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

Deposition of Samuel Gillins.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

SAMUEL GILLINS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 39.

Q. Where do you live?—A. Lucas' Mill, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir; no reason.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. Have you been promised any money to come here to-day and testify?—A. No.

Q. Do you expect any?—A. No, sir.

Q. To what church do you belong?—A. The African Methodist Episcopal Church, in Mt. Pleasant.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Have you ever known of a colored man being turned out of that or any other church for voting the Democratic ticket?—A. No, sir.

Deposition of Peter Holmes.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

PETER HOLMES, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 37.

Q. Where do you live?—A. Boone Hall, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it is there any reason why you should be afraid to admit it now?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

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Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. Anthony Summersill.

Q. Did he read your ticket to you?—A. Yes, sir.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

Q. Did you vote more than one ticket?—A. One ticket only.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. To what church do you belong?—A. Olive Branch.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being mobbed, beaten, insulted, and turned out of the church for so doing?—A. No, sir; I never heard of such a thing.

Q. Have you been promised or do you expect to receive any pay for testifying in this matter?—A. No, sir.

Deposition of Jacob Bonneau.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

JACOB BONNEAU, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 70.

Q. Where do you live?—A. In Christ Church Parish, on Dr. Royal's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir; I never did.

Q. If you had voted it is there any reason why you should be afraid to admit it now?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. Anthony Summersill.

Q. Are you sure you voted the same ticket Summersill gave you?—A. No other ticket.

Q. How do you know Mr. Mackey's name was on your ticket?—A. Summersill showed it to me.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being insulted, mobbed, beaten, and turned out of church for so doing?—A. I never heard of that before.

Q. Have you been promised or do you expect to receive any pay for testifying in this matter?—A. No, sir.

Deposition of Scipio Gillins.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

SCIPIO GILLINS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer.

Q. Where do you live?—A. Mt. Pleasant, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir.

Q. What ticket did you vote?—A. Mr. Mackey's ticket.

Q. Democratic or Republican ticket?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir; not one.

Q. Have you been induced to come here to-day to testify by the promise of pay or anything else?—A. No, sir.

Q. Do you expect to receive any pay for testifying in this cause?—A. No, sir.

Deposition of Joe Nelson.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

JOESEPH NELSON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 32.

Q. Where do you live?—A. In Christ Church Parish, on Mr. Hamlin's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had, is there any reason why you should be afraid to admit it now?—A. No, sir.

Q. Is it true that no colored man in this parish can vote the Democratic ticket without the fear of being mobbed, insulted, and turned out of the church for so doing?—A. No, sir.

Q. To what church do you belong?—A. Olive Branch.

Q. Have you ever heard politics preached in that church or any other?—A. No, sir.

Q. Have you ever known of a colored man being turned out of a colored church for voting the Democratic ticket?—A. No.

Q. What ticket did you vote at the last election?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

- Q. From whom did you get your ticket?—A. Joe Seabrook.
 Q. Did you vote more than one ticket?—A. One single one.
 Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.
 Q. Are you sure you voted the same ticket Seabrook gave you?—A. Yes, sir.
 Q. Did he read any of the names on it for you?—A. Yes, sir.
 Q. Did he read out Mr. Mackey's name?—A. Yes, sir.

Deposition of Charles Campbell.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

CHARLES CAMPBELL, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

- Question. How old are you?—Answer. 53.
 Q. Where do you live?—A. In Christ Church Parish, on Mr. John Jennings's place.
 Q. Where did you vote at the last general election?—A. Mt. Pleasant.
 Q. Did you vote the Democratic ticket?—A. No, sir.
 Q. If you had voted it, is there any reason why you should be afraid to admit it now?—A. I didn't vote it, but if I had I wouldn't be afraid to admit it.
 Q. What ticket did you vote?—A. The Republican ticket.
 Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.
 Q. From whom did you get your ticket?—A. Anthony Summersill.
 Q. Did you vote more than one ticket?—A. No more than one.
 Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.
 Q. To what church do you belong?—A. Olive Branch.
 Q. Have you ever heard politics preached in that church?—A. No, sir.
 Q. Have you ever known a colored man to be expelled from that or any other church for voting the Democratic ticket?—A. No, sir.
 Q. Have you been promised any money to come here to-day and testify?—A. No, sir.
 Q. Do you expect any?—A. No, sir.

Deposition of Paul Seabrook.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

PAUL SEABROOK, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

- Question. How old are you?—Answer. About 65.
 Q. Where do you live?—A. Christ Church Parish, on my own land, about 7 miles from Mt. Pleasant.
 Q. Where did you vote at the last general election?—A. Mt. Pleasant.
 Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it, is there any reason why you should be afraid to admit it now?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. From my son, Joe Seabrook.

Q. Did he read it to you?—A. He read me a few of the names on it. I remember Mr. Mackey's name and Frank Ladson's.

Q. Are you sure you voted the ticket your son gave you?—A. Yes, sir.

Q. Before you voted did you have any other ticket in your hand but the one he gave?—A. No, sir.

Q. Did you vote more than one ticket?—A. One ticket only.

Q. Were any small tissue tickets folded within the ticket you voted?—A. No, sir.

Q. To what church do you belong?—A. Olive Branch A. M. E. Church.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Have you ever known of a colored man being turned out of that church, or any other church, for voting the Democratic ticket?—A. No, sir; I never have.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being insulted, mobbed, beaten, and turned out of the church for so doing?—A. I never heard of such a thing.

Q. Do you know William Stewart?—A. Yes, sir.

Q. Is he not known as a Democrat?—A. Yes, sir; I have always heard that he was.

Q. Does he belong to the same church to which you belong?—A. Yes, sir.

Q. Has any attempt ever been made to turn him out of the church because of his having voted the Democratic ticket?—A. No, sir.

Deposition of London Fludd.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

LONDON FLUDD, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 27.

Q. Where do you live?—A. In Christ Church Parish, on Mr. John Mitchell's plantation.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir; I never did.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. How do you know that?—A. Because I read it myself.

Q. Examine that ticket [handing witness Republican ticket, marked Exhibit —], and see if that is the kind of ticket you voted?—A. Yes, sir.

Q. Did you give Republican tickets to any of the other voters?—A. Yes, sir, several others.

Q. Did you give any person a ticket other than Republican tickets with the name of E. W. M. Mackey on them for Congress?—A. None other but those with E. W. M. Mackey on them for Congress.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir; there was but the one ticket.

Q. Have you been promised anything to come here to-day to testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

Deposition of Nero Washington.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

NERO WASHINGTON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 52.

Q. Where do you live?—A. In Christ Church Parish, on Mrs. Tomlinson's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had is there any reason why you should be afraid to admit it now?—A. No, sir. I would not be afraid to admit it.

Q. Is it true that no colored man in this parish can vote the Democratic ticket without the fear of being mobbed, insulted, and turned out of the church for doing so?—A. No, sir.

Q. To what church do you belong?—A. Olive Branch A. M. E. Church.

Q. Have you ever heard politics preached in that or any other colored church?—A. No, sir.

Q. Has any colored man ever been turned out of a colored church in this parish for voting a Democratic ticket?—A. No, sir. I never knew that to be done.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. Anthony Summersill gave me my ticket, and my son, Elias Washington, read it for me.

Q. Did you vote more than one ticket?—A. Only one ticket.

Q. Were there any small Democratic tissue tickets, like these, enclosed within your ticket?—A. No, sir.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

Q. Did he read any of the names on the ticket to you?—A. Yes, sir.

Deposition of Quintus Faber.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

QUINTUS FABER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Q. Question. How old are you ?—A. Answer. 70.

Q. Where do you live ?—A. Edmondson's place, Christ Church Parish.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had voted it, is there any reason why you should be afraid to admit it now ?—A. No, sir, I wouldn't be afraid. I didn't vote it.

Q. What ticket did you vote ?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress ?—A. E. W. M. Mackey.

Q. From whom did you get your ticket ?—A. Anthony Summersill.

Q. Did he read any of the names on it to you ?—A. The only name he read me was Mr. Mackey's.

Q. Are you sure you voted the same ticket Summersill gave you ?—A. Yes, sir, the same ticket.

Q. Did you vote more than one ticket ?—A. Only one ticket.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted ?—A. Not one.

Q. Have you been promised any money to come here and testify ?—A. No, sir. I came because I was summoned.

Q. Do you expect any ?—A. No, sir.

Deposition of Gatlin Edicards.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

GATLIN EDWARDS, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Q. Question. How old are you ?—A. Answer. 34 on the tenth of last month.

Q. Where do you live ?—A. Woodland, Christ Church Parish.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now ?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so ?—A. No, sir; not that I know of.

Q. What ticket did you vote ?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress ?—A. Mr. Mackey's.

Q. How do you know that Mr. Mackey's name was on your ticket ?—A. Summersill gave me my ticket, and read Mr. Mackey's name on it.

Q. Are you sure you voted the same ticket he gave you ?—A. Yes, sir; it was wide open, and I folded it myself.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets inclosed within the ticket you voted?—A. No, sir.

Q. Have you been promised any money to come here to-day to testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

Q. To what church do you belong?—A. Olive Branch.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Have you ever known of a colored man being turned out of that or any other colored church for voting the Democratic ticket?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being insulted, beaten, and turned out of the church for so doing?—A. There are some that we know did vote the Democratic ticket, and we left them to their own judgment.

Q. Were you present at the Four-mile Church poll at the election of 1876?—A. Yes, sir; I was there.

Q. Was there any disturbance of any kind there at that election?—A. No, sir; none that I saw. I was there all day, except for about one hour. Mr. Gregory was there, and I waited for him to carry him home; and Mr. Gadsden Fell was one of the managers.

Q. Is it true that the colored women were at that poll on the day of election with bayonets, clubs, &c., to prevent the colored men from voting the Democratic ticket?—A. I saw some colored women pass on the public road, but they had nothing in their hands.

Deposition of Frank Button.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

FRANK Button, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 30.

Q. Where do you live?—A. In Christ Church Parish, on Mr. Vening's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir; I voted the Republican ticket. Summersill gave me it.

Q. If you had voted it would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir; there is no reason for me to be afraid if I did vote it.

Q. Did you promise any body previous to the last election that you would vote the Democratic ticket?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir; one ticket only.

Q. Were there any small Democratic tissue tickets inclosed within the ticket you voted?—A. No, sir.

Q. Have you been induced to come here to-day to testify by the promise of any pay, or anything else?—A. No, sir.

Q. Do you expect to receive any pay for testifying in this cause?—A. No, sir.

Deposition of Abram Alston.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

ABRAM ALSTON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. How old are you ?—Answer. 39.

Q. Q. Where do you live ?—A. In Christ Church Parish, on Mortimer Venning's place.

Q. Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Q. Did you vote the Democratic ticket ?—A. No, sir; I voted the Republican ticket. Summersill gave it to me.

Q. Q. Whose name was on the ticket you voted for Congress ?—A. Mr. Mackey's.

Q. Q. How do you know that ?—A. I read it myself.

Q. Q. Examine this ticket (handing witness Republican ticket, marked Exhibit —), and see if that is the ticket you voted ?—A. Yes, sir.

Q. Q. If you had voted the Democratic ticket would you be afraid to admit it now ?—A. No, sir.

Q. Q. Is there any reason why you should be afraid to admit you had voted the Democratic ticket if you had done so ?—A. There is no reason why I should be afraid to admit it if I had voted it.

Q. Q. Did you vote more than one ticket ?—A. Only one.

Q. Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted ?—A. No, sir.

Q. Q. Is it true that no colored man can vote the Democratic ticket in this parish without being ostracized, insulted, mobbed, beaten, and turned out of the church for so doing ?—A. No, sir, not at all.

Q. Q. Were you present at the Four-mile Church poll at the general election of 1876 ?—A. Yes, sir.

Q. Q. How long during the day did you remain there ?—A. I remained until two o'clock.

Q. Q. Did you see a number of colored women there with clubs, sticks, bayonets, &c., trying to prevent colored men from voting the Democratic ticket ?—A. No, sir. I didn't see them.

Q. Q. Was there any disturbance at that poll at all on that day ?—A. Not while I was there.

Q. Q. How many hours were you there ?—A. From eight o'clock until two.

Q. Q. Have you been induced to come here to-day to testify by any promise of money ?—A. No, sir.

Q. Q. Do you expect to receive any pay for testifying in this matter ?—A. No, sir.

Deposition of David Diall.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

DAVID DIALL, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Q. Question. How old are you ?—Answer. 70.

Q. Where do you live?—A. In Christ Church Parish, on Mr. Kinloch's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had is there any reason why you should be afraid to admit it now?—A. No, sir. I would not be afraid to admit it.

Q. Is it true that no colored man in this parish can vote the Democratic ticket without the fear of being mobbed, insulted, and turned out of the church for doing so?—A. No, sir.

Q. To what church do you belong?—A. Olive Branch A. M. E. Church.

Q. Have you ever heard politics preached in that or any other colored church?—A. No, sir.

Q. Has any colored man ever been turned out of a colored church in this parish for voting a Democratic ticket?—A. No, sir; I never knew that to be done.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. From Anthony Summersill.

Q. Did you vote more than one ticket?—A. Only one ticket.

Q. Were there any small Democratic tissue tickets, like these, enclosed within your ticket?—A. I folded my ticket myself, and put it in the box.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

Q. Did he read any of the names on the ticket to you?—A. Yes, sir.

Deposition of Chance Milligan.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

CHANCE MILLIGAN, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 26.

Q. Where do you live?—A. In Christ Church Parish, on Philip Porcher's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it, would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. How do you know that Mr. Mackey's name was on your ticket for Congress?—A. Because Anthony Summersill read my ticket for me, and told me Mr. Mackey's name was on it.

Q. Did you promise anybody previous to the last election that you would vote the Democratic ticket?—A. No, sir.

Q. Did you vote more than one ticket?—A. No, sir; only one single ticket.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted ?—A. No, sir.

Q. Have you been induced to come here to-day by the promise of any money ?—A. No, sir.

Q. Do you expect to receive any pay for testifying in this cause ?—A. No, sir.

Deposition of Scipio Deraux.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

SCIPIO DEVAUX, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Question. How old are you ?—Answer. 35.

Q. Where do you live ?—A. Boone Hall, Christ Church Parish.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had voted it, would you be afraid to admit it now ?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so ?—A. No, sir.

Q. What ticket did you vote ?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress ?—A. Mr. Mackey's.

Q. How do you know that ?—A. Because Summersill gave it to me, and read Mr. Mackey's name on it.

Q. Are you sure you voted the same ticket Summersill gave you ?—A. Yes, sir.

Q. How long have you known Summersill ?—A. Several years.

Q. Did you vote more than one ticket ?—A. No, sir.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted ?—A. No, sir.

Q. Have you been induced to come here to-day to testify by the promise of any money or anything else ?—A. No, sir.

Q. Do you expect any pay for testifying in this matter ?—A. No, sir.

Deposition of Fortune Reed.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

FORTUNE REED, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Question. How old are you ?—Answer. 37.

Q. Where do you live ?—A.—Woodland, Christ Church Parish.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—No, sir.

Q. If you had voted the Democratic ticket, would you be afraid to admit it now ?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted

the Democratic ticket if you had done so!—A. No, sir; of course there is no reason.

Q. Did you promise any one previous to the last election that you would vote the Democratic ticket?—A. No, sir.

Q. What ticket did you vote?—A. I voted the ticket that had the name of E. W. M. Mackey on it for Congress.

Q. Was it the Republican ticket?—A. Yes, sir.

Q. Did you vote more than one ticket?—A. No, sir; only one.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir; none.

Q. Have you been promised any money if you would come here and testify?—A. No, sir.

Q. Do you expect any pay for testifying in this cause?—A. No, sir.

Deposition of Silas Blank.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

SILAS BLANK, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 50.

Q. Where do you live?—A. In Christ Church Parish, on Mr. George Kinloch's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it, is there any reason why you should be afraid to admit it now?—A. No, sir; I wouldn't be if I did.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. I could not read it, but Mr. Charles Smalls took me to Summersill and he gave me a ticket, which he told me was the Republican ticket. He did not read me any of the names.

Q. Did you vote the ticket that Summersill gave you?—A. No other ticket but that.

Q. And you are certain that he told you it was a Republican ticket?—A. Yes, sir; I had confidence in him that it was a Republican ticket.

Q. To what church do you belong?—A. Olive Branch A. M. E. Church.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Have you ever heard of any colored man being turned out of the church because he had voted the Democratic ticket?—A. No, sir; I have not.

Q. Have you been promised any pay and mileage for coming here today to testify?—A. No, sir.

Q. Do you expect to receive any?—A. No, sir.

Q. Did you vote more than one ticket?—A. Only one.

Q. Were there any small Democratic tissue tickets inclosed within the ticket you voted?—A. No, sir; a single ticket was handed to me, and I folded it myself and put it in the box.

Deposition of Thos. Manigault.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

THOS. MANIGAULT, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant.

Question. How old are you?—Answer. 60.

Q. Where do you live?—A. In Christ Church Parish, on Mr. Hamlin's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir; I voted the Republican ticket.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit voting the Democratic ticket, if you had done so?—A. No, sir; there is no reason.

Q. Did you promise any body previous to the last election that you would vote the Democratic ticket?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir; only one ticket.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir; I never saw one of them.

Q. Have you been promised any money to come here to-day and testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

Deposition of Abram Brown.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ABRAM BROWN, a witness of legal age, produced by the contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant.

Question. How old are you?—Answer. 36.

Q. Where do you live?—A. In Christ Church Parish, on Mr. Sanders' place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir; I voted the Republican ticket.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir; not at all, but I know I did not.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. None at all. I think every one has the right to vote as he pleases.

Q. You said you voted the Republican ticket. Whose name was on the ticket you voted for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. Have you been induced to come here to-day to testify by the promise of pay or anything else?—A. No, sir.

Q. Do you expect to receive any pay for testifying in this cause?—A. No, sir.

Deposition of Israel Singleton.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

ISRAEL SINGLETON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 38.

Q. Where do you live?—A. In Christ Church Parish, on Mr. Clausen's place, fifteen miles from Mt. Pleasant.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted the Democratic ticket would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir, none.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on the ticket you voted for Congress?—A. Mr. Mackey's.

Q. How do you know his name was on your ticket?—A. Because I saw E. W. M. Mackey printed on the ticket for Congress.

Q. Examine that ticket [handing witness Republican ticket, marked Exhibit R], and see if that is the ticket you voted?—A. Yes, sir.

Q. Did you vote more than one ticket?—A. Only one.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. To what church do you belong?—A. Zion Hill African Methodist Episcopal Church at the Twelve-mile.

Q. Who preaches there?—A. Rev. Henry Taylor.

Q. Have you ever heard Mr. Taylor preach politics in that or any other church?—A. No, sir.

Q. For how long a time have you been a member of that church?—A. Eight years.

Q. Is there any understanding among the members of that church that any of their number who votes the Democratic ticket shall be expelled from that church?—A. No, sir; there never has been any such understanding.

Q. Do you attend that church regularly?—A. Yes, sir.

Q. Have you ever heard that matter discussed in that church at all?—A. No, sir.

Q. Has any member of that church ever been expelled or censured for voting the Democratic ticket?—A. No, sir.

Q. Does Mr. Taylor preach at any other churches?—A. Yes, sir; he has three churches. One Sunday he preaches at our church, the next Sunday at Mt. Nebo, and the third Sunday at New Hope Church, in St. Thomas and St. Dennis.

Q. Do you visit the other two churches?—A. Sometimes.

Q. Have you ever heard him preach at the other churches?—A. Yes, sir.

Q. Have you ever heard him preach politics in either of them!—A. No, sir.

Q. Does he take any part in politics at all!—A. He does not.

Q. Previous to Mr. Taylor's appointment, who used to preach in these three churches!—A. Samuel G. Howard.

Q. Did you ever hear Mr. Howard preach politics in any of them!—A. No, sir.

Q. Was there ever any understanding in any of these churches that none of their members should be allowed to vote the Democratic ticket!—A. There never has been any such understanding like that in the churches.

Q. Have you been induced to come here to day to testify by the promise of any money!—A. No, sir.

Q. Do you expect any pay for testifying in this matter!—A. No, sir.

Q. In what part of Christ Church Parish do you live!—A. In the upper part.

Q. Do the colored women ever attempt to interfere with the men in the exercise of their suffrage!—A. No, sir.

Q. Have you ever known or heard of any of them threatening their husbands if they voted the Democratic ticket!—A. No, sir.

Q. Have you ever known or heard of any colored woman threatening to leave her husband if he voted the Democratic ticket!—A. No, sir; I never heard of anything like that.

Deposition of Frank Jefferson.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

FRANK JEFFERSON, a witness of legal , produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you!—Answer. 28.

Q. Where do you live!—A. Porcher's place, Christ Church Parish.

Q. Where did you vote at the last general election!—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket!—A. No, sir.

Q. If you had voted it, would you be afraid to admit it now!—A. No, sir.

Q. What ticket did you vote!—A. The Republican ticket.

Q. Whose name was on your ticket for Congress!—A. Mr. Mackey's.

Q. Did you vote more than one ticket!—A. No, sir.

Q. Were there any small tissue tickets folded within the ticket you voted!—A. No, sir; I folded it myself and put it in the box.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being insulted, mobbed, beaten, and turned out of the church for so doing!—A. No, sir; I never heard of anything like that.

Q. To what church do you belong!—A. Olive Branch.

Q. Have you ever known of a colored man being turned out of that church or any other church for voting the Democratic ticket!—A. No.

Q. Have you been promised or do you expect to receive any pay for testifying in this matter!—A. No.

Deposition of Samuel Holmes.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor

STATE OF SOUTH CAROLINA,
Charleston County :

SAMUEL HOLMES, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Question. How old are you ?—Answer. 40.

Q. Where do you live ?—A. In Christ Church Parish on Mr. Claus Koeper's place.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir; I never voted one yet. Every time I voted I voted a Republican ticket.

Q. If you had voted the Democratic ticket would you be afraid to admit it now ?—A. No, sir; I wouldn't be afraid.

Q. Is there any reason why you should be afraid to admit it ?—A. No, sir; no reason at all.

Q. Whose name was on the ticket you voted for Congress ?—A. Mr. Mackey's.

Q. How do you know that ?—A. Because Mr. Chas. North told me Mr. Mackey's name was on it.

Q. From whom did you get the ticket you voted ?—A. I got my ticket from Jack Gethers, and Mr. Charles North read it for me.

Q. To what church do you belong ?—A. Bethany.

Q. Who is the pastor of that church ?—A. Abram Brown.

Q. Have you ever heard of politics preached in that church ?—A. No, sir.

Q. Have you ever known of a colored man being turned out of that or any other church for voting the Democratic ticket ?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being insulted, ostracised, beaten, and turned out of the church for so doing ?—A. No, sir; not at all.

Q. Have you been promised any money to come here to-day and testify ?—A. No, sir.

Q. Do you expect any ?—A. No, sir.

Deposition of Frank Faulker.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

FRANK FAULKER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Question. How old are you ?—Answer. 60.

Q. Where do you live ?—A. In Christ Church Parish, on Mrs. Tomlinson's place.

Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket ?—A. No, sir.

Q. If you had is there any reason why you should be afraid to admit it now ?—A. No, sir; I would not be afraid to admit it.

Q. Is it true that no colored man in this parish can vote the Democratic ticket without the fear of being mobbed, insulted, and turned out of the church for doing so?—A. No, sir.

Q. To what church do you belong?—A. Olive Branch, A. M. E. Church.

Q. Have you ever heard politics preached in that or any other colored church?—A. No, sir.

Q. Has any colored man ever been turned out of a colored church in this parish for voting a Democratic ticket?—A. No, sir; I never knew that to be done.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. From Anthony Summersill.

Q. Did you vote more than one ticket?—A. Only one ticket.

Q. Were there any small Democratic tissue tickets like these enclosed within your ticket?—A. No, sir.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

Q. Did he read any of the names on the ticket to you?—A. Yes, sir.

Deposition of Tim Fyall.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor

STATE OF SOUTH CAROLINA,

Charleston County:

TIM FYALL, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 60.

Q. Where do you live?—A. In Christ Church Parish, on Mrs. Tomlinson's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to admit that you had voted the Democratic ticket, if you had done so?—A. No, sir.

Q. Previous to the last election, did you promise anybody that you would vote the Democratic ticket?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir; but the one ticket.

Q. Were there any small Democratic tissue tickets inclosed within the ticket you voted?—A. No, sir; I folded my own ticket and put it in the ballot-box myself.

Q. Have you been promised any money to come here to-day to testify?—A. No, sir.

Q. Do you expect any?—A. No, sir; none.

Q. To what church do you belong?—A. The Baptist Church.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Have you ever known of a colored man being turned out of that or any other church for voting the Democratic ticket?—A. No, sir; not yet.

Deposition of Peter White, sr.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

PETER WHITE, sr., a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 34.

Q. Where do you live?—A. Mullen Hill, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it, would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir; none whatever.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. One single ticket.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. Have you been promised any money to come here to-day and testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

Deposition of Joseph Stoney.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

JOSEPH STONEY, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 26.

Q. Where do you live?—A. Christ Church Parish, on Mr. Chas. Mitchell's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir; I voted the Republican ticket.

Q. If you had voted the Democratic ticket, would you be afraid to admit it now?—A. No, sir.

Q. You said you voted the Republican ticket; whose name was on the ticket you voted for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets enclosed with the ticket you voted?—A. No, sir.

Q. Have you been induced to come here to-day to testify by the promise of any money or anything else?—A. No, sir.

Q. Do you expect any pay for testifying in this cause?—A. No, sir.



Deposition of Edward Robinson.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

EDWARD ROBINSON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Q. Question. How old are you ?—A. Answer. 45.

Q. Q. Where do you live ?—A. Mt. Pleasant, Christ Church Parish.

Q. Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Q. Did you vote the Democratic ticket ?—A. No, sir; never since I was born.

Q. Q. If you had voted it would you be afraid to admit it now ?—A. By no means.

Q. Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so ?—A. No, sir.

Q. Q. Did you promise anybody previous to the last election that you would vote the Democratic ticket ?—A. No, sir.

Q. Q. What ticket did you vote ?—A. The Republican ticket.

Q. Q. Whose name was on your ticket for Congress ?—A. Mr. Mackey's.

Q. Q. Do you remember any of the other names on the ticket ?—A. I cannot remember them now, as it is so long since. My daughter read me all the names on the ticket before I voted it.

Q. Q. From whom did you get your ticket ?—A. Anthony Summersill.

Q. Q. Are you sure you voted the same ticket you got from him ?—A. I voted no other.

Q. Q. To what church do you belong ?—A. Centenary Methodist Episcopal Church, in Mt. Pleasant.

Q. Q. Who preaches in that church ?—A. Mr. Middleton, of Charleston.

Q. Q. Have you ever heard politics preached in that or any other church ?—A. No, sir.

Q. Q. Have you ever known a colored man to be turned out of that or any other church for voting the Democratic ticket ?—A. No, sir.

Q. Q. Have you been induced to come here to-day to testify by the promise of pay or anything else ?—A. No, sir.

Q. Q. Do you expect to receive any pay for testifying in this cause ?—A. No, sir.

Deposition of Flander Duncan.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County :

FLANDER DUNCAN, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Q. Question. How old are you ?—Answer. 38.

Q. Q. Where do you live ?—A. Mt. Pleasant, Christ Church Parish.

Q. Q. Where did you vote at the last general election ?—A. Mt. Pleasant.

Q. Q. Did you vote the Democratic ticket ?—A. No, sir; the Republican ticket.

Q. Q. If you had voted it would you be afraid to admit it now ?—A. No, sir; because I believe every man should do as he chooses.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets folded within the ticket you voted?—A. No, sir.

Q. Have you been induced to come here to-day to testify by the promise of any money or anything else?—A. No, sir.

Q. Do you expect to receive any pay for testifying in this cause?—A. No, sir.

Deposition of June Vanderhorst.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

JUNE VANDERHORST, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 48.

Q. Where do you live?—A. Egypt plantation, Christ Church Parish.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it, is there any reason why you should be afraid to admit it now?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. E. W. M. Mackey.

Q. From whom did you get your ticket?—A. Anthony Summersill.

Q. Did he read it for you?—A. No, sir; but he told me Mr. Mackey's name was on it.

Q. Are you sure you voted the same ticket Summersill gave you?—A. Yes, sir.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any tissue tickets folded within your ticket?—A. No, sir; because I folded it myself.

Q. To what church do you belong?—A. Salem Baptist Church on Woodland.

Q. Have you ever heard politics preached in that church?—A. No, sir.

Q. Have you ever known of a colored man being turned out of that or any other church for voting the Democratic ticket?—A. No, sir.

Q. Is it true that no colored man can vote the Democratic ticket in this parish without being insulted, mobbed, beaten, and turned out of the church for so doing?—A. No, sir; I never heard anything of that kind.

Deposition of Geo. Howard.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor.

STATE OF SOUTH CAROLINA,
Charleston County:

GEORGE HOWARD, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 40.

Q. Where do you live?—A. In Christ Church Parish, on Dr. Royal's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it, would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir; none.

Q. Did you promise any one, previous to the last election, that you would vote the Democratic ticket?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Whose name was on your ticket for Congress?—A. Mr. Mackey's.

Q. Did you vote more than one ticket?—A. Only one ticket.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. Have you been promised any money to come here to-day and testify?—A. No, sir.

Q. Do you expect any?—A. No, sir.

Q. To what church do you belong?—A. Long Point Baptist Church.

Q. Who is the pastor of that church?—A. The Rev. Mr. Carr.

Q. Did you ever hear politics preached in that church?—A. No, sir.

Q. Have you ever known of a colored man being turned out of that or any other colored church for voting the Democratic ticket?—A. No, sir; I never knew any to be turned out.

Q. Is there any understanding among the members of that church that none of their number shall be allowed to vote the Democratic ticket?—A. No, sir.

Deposition of Richard Toomer.

In the matter of the contest of E. W. M. Mackey against M. P. O'Connor

STATE OF SOUTH CAROLINA,

Charleston County:

RICHARD TOOMER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant:

Question. How old are you?—Answer. 22.

Q. Where do you live?—A. In Christ Church Parish, on Dr. Joshua Toomer's place.

Q. Where did you vote at the last general election?—A. Mt. Pleasant.

Q. Did you vote the Democratic ticket?—A. No, sir.

Q. If you had voted it would you be afraid to admit it now?—A. No, sir.

Q. Is there any reason why you should be afraid to say you had voted the Democratic ticket if you had done so?—A. No, sir.

Q. Did you promise anybody previous to the last election that you would vote the Democratic ticket?—A. No, sir.

Q. What ticket did you vote?—A. The Republican ticket. I know it was the Republican ticket because I got it from Summersill.

Q. Did you vote more than one ticket?—A. No, sir.

Q. Were there any small Democratic tissue tickets enclosed within the ticket you voted?—A. No, sir.

Q. Have you been induced to come here to-day to testify by the promise of pay or anything else?—A. No, sir.

Q. Do you expect to receive any pay for testifying in this cause?—A. No, sir.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Charleston County :

I, E. H. Hogarth, a notary public in and for the State of South Carolina, do hereby certify that the foregoing depositions of Cæsar Robertson, Sam'l Porcher, Jas. Alston, Bunkey Davis, Paul Swinton, Hercules Geddis, Rob't Lovely, Rob't Taylor, Adam Lining, Jacob Swinton, Primus Gailliard, Duke Goodwin, Geo. Frederick, Friday Bennett, Israel Ancrum, Dandy Williams, John Porcher, Benj. Polite, Limus Davis, Sam'l Simmons, Wm. Gailliard, Jacob Wilson, Jacob Matthews, Sam'l Gillius, Peter Holmes, Jacob Bonneau, Scipio Gillins, Joe Nelson, Chas. Campbell, Paul Seabrook, London Fludd, Nero Washington, Quintus Faber, Gatlin Edwards, Frank Button, Abram Alston, David Diall, Chance Milligan, Scipio Deveaux, Fortune Reed, Silas Blank, Thos. Manigault, Abram Brown, Israel Singleton, Frank Jefferson, Samuel Holmes, Frank Faulker, Tim Fyall, Peter White, sr., Joseph Stoney, Edw'd Robinson, Flander Duncan, June Vanderhorst, Geo. Howard, Rich'd Zoomer were taken by me pursuant to notice of contestant and in accordance with the provisions of law, at the Four-mile Church, Christ Church Parish, county and State aforesaid, this fifth day of December, A. D. 1879, the contestant being present in person. I do further certify that, at the close of the examination yesterday, counsel for contestee stated that he would not be present at the examination this day, but that he would reserve to himself the right to object to the evidence of each and every witness examined upon the same grounds which founded the objections to the evidence of the witnesses already examined.

Given under my hand and official seal this 5th day of December, A. D. 1879.

[SEAL.]

E. H. HOGARTH,
Notary Public, So. Ca.

EXHIBIT R.**UNION REPUBLICAN TICKET!**

For 46th Congress—2d district.

EDMUND W. M. MACKEY.

For senator.

JAMES B. CAMPBELL.

For house of representatives.

ANDREW SIMONDS.
CHARLES H. SIMONTON.
FRANCIS S. HOLMES.
EDWARD McCRADY, JR.
JOHN H. THIELE.
STEPHEN H. HARE.
WILLIAM J. BRODIE.
JAMES A. WILLIAMS.
JOSEPH J. LESESNE.
JAMES HUTCHINSON.

NATHANIEL MORANT.
FRANK LADSON.
WILLIAM G. PINCKNEY.
RENTY K. WASHINGTON.
ANDREW SINGLETON.
WARREN N. BUNCH.
JAMES SINGLETON.

For county commissioners.

LOUIS DUNNEMANN.
WILLIAM H. THOMPSON.
RICHARD BRYAN.

For school commissioner.

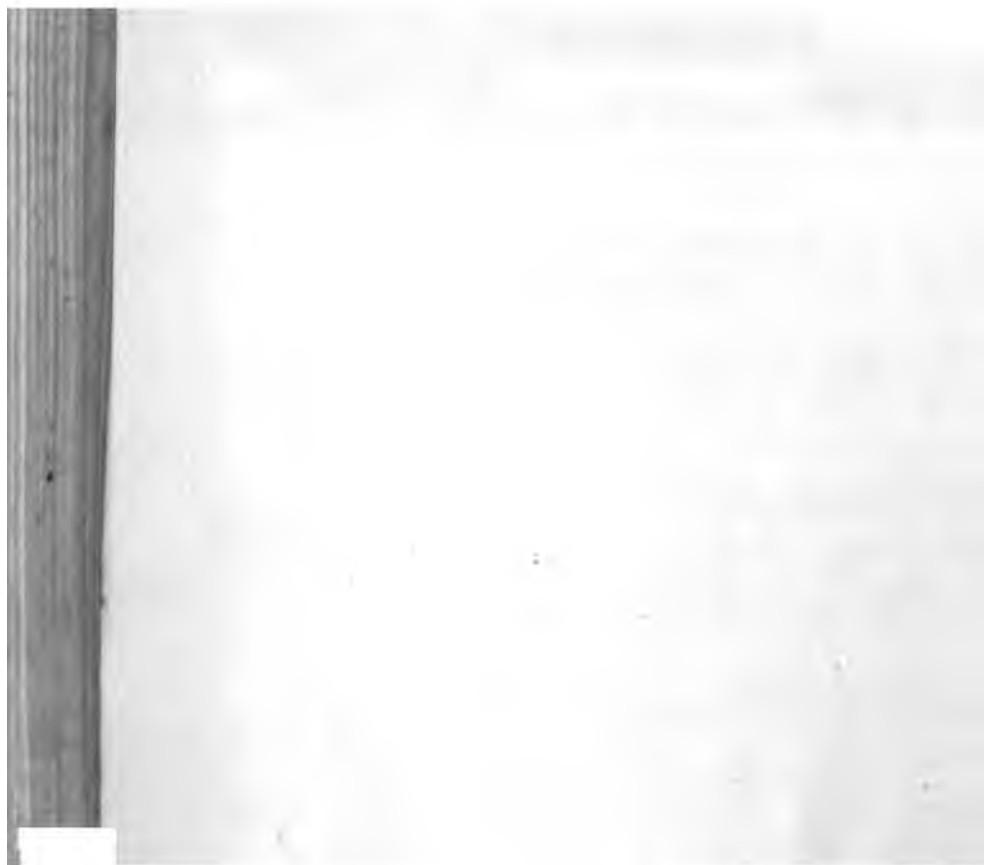
MICHAEL M. McLAUGHLIN.

For judge of probate.

CHARLES W. BUTTZ.

For solicitor—1st circuit.

W. J. DETREVILLE.



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